

## **Appendix E – Environmental Permit Requirements**

E.1 - Washington State Department of Ecology NPDES Sand & Gravel General Permit and State Waste Discharge Permit

E.2 - United States Army Corps of Engineers Section 10 and 404 Permit

E.3 - Washington Department of Fish & Wildlife Project Hydraulic Permit

E.4 - Washington State Department of Ecology Shoreline Substantial Development Permit and Variance

E.5 - Washington State Department of Natural Resources Aquatic Lands Lease Agreement

E.6 - United States Coast Guard Private Aids to Navigation (PATON) Permit

E.7 - 401 Water Quality

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E.1



Received

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STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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Kiewit-General, AJV  
SR 520 Pontoons

August 17, 2011

WAG501544  
Phil Wallace  
Kiewit-General, A Joint Venture  
5620 112th St E  
Puyallup, WA 98373-3206

**RE: New Modified Sand and Gravel General Permit**

Dear Permittee:

**New Modified Permit**

The Washington State Department of Ecology (Ecology) issued a final modified Sand and Gravel National Pollutant Discharge Elimination System (NPDES) and State Waste Discharge General Permit (permit) on August 17, 2011. Please note that the new permit becomes effective on October 1, 2011.

**Permit Purpose and Modification Background**

The Sand and Gravel General Permit controls the discharge of pollutants from sand and gravel mining operations and related facilities into waters of the state. This general permit was reissued on August 4, 2010 (effective date October 1, 2010). The permit was appealed by the Puget Soundkeeper Alliance (PSA). Ecology reached a tentative settlement with PSA which is defined in the modified permit. A one page summary of changes is attached to the permit.

**Public Notice Process and Comments**

Ecology accepted written and oral comments on the draft permit modification from June 1 until July 8, 2011. The comments and Ecology's response to comments and other permit documents may be downloaded at <http://www.ecy.wa.gov/programs/wq/sand/index.html>. You may request a copy of the response to comments or other permit documents from Julie Robertson at (360) 407-6575, or at [julie.robertson@ecy.wa.gov](mailto:julie.robertson@ecy.wa.gov).

**Discharge Monitoring Reports**

You will be receiving new discharge monitoring reports before December 2011 from the regional office to which you report. If you use electronic reporting, the format will also change to match the new permit in December.



## Appeal Process

You have a right to appeal the permit modifications to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this letter. This appeal is limited to the general permit's applicability or non-applicability to a specific discharger. The appeal process is governed by chapter 43.21B RCW and chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal, you must do the following within 30 days of the date of receipt of this letter:

- File your appeal and a copy of the permit cover page with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and the permit cover page on Ecology in paper form - by mail or in person (see addresses below). Email is not accepted.

You must also comply with other applicable requirements in chapter 43.21B RCW and chapter 371-08 WAC.

### Address and Location Information:

#### Street Addresses:

Department of Ecology  
Attn: Appeals Processing Desk  
300 Desmond Drive SE  
Lacey, WA 98503

Pollution Control Hearings Board (PCHB)  
1111 Israel Road SW, Suite 301  
Tumwater, WA 98501

#### Mailing Addresses:

Department of Ecology  
Attn: Appeals Processing Desk  
PO Box 47608  
Olympia, WA 98504-7608

Pollution Control Hearings Board  
PO Box 40903  
Olympia, WA 98504-0903

### Questions

If you have any questions, contact Gary Bailey at (360) 407-6433, or at [gary.bailey@ecy.wa.gov](mailto:gary.bailey@ecy.wa.gov).

Sincerely,



Bill Moore, P.E.  
Program Development Services Section Manager  
Water Quality Program

Enclosures

# Sand and Gravel General Permit Modifications

## Summary of Significant Changes

August 17, 2011

The following modifications are proposed to the Sand and Gravel Permit as a settlement agreement between Ecology and the Puget SoundKeeper Alliance.

Permit Condition	Change
S1.B.1.c – wording change (page 7)	Minor text changes for clarification
effluent limit changes for TSS (page 8)	TSS limit for category 212322(Industrial Sand) reduced from 40 to 25 mg/L to be consistent with category Construction Sand.
effluent limit changes for turbidity (page 8)	Maximum daily limit for turbidity for all categories reduced from 71 to 50 mg/L. For discussion of the reduced limit see Response to Comments at <a href="http://www.ecy.wa.gov/programs/wq/sand/index.html">http://www.ecy.wa.gov/programs/wq/sand/index.html</a>
Table 3. Oil sheen (page 9)	Minor wording change for clarification of limitation
S3.E.4. (page 11) First sentence	Text change to clarify objective of this paragraph.
S3.F. (page 11)	Requires notification to Ecology of new or expanded chemical use to assure protection of water quality.
S3.G.6. (pg 13)	New text on conditions of discharge to water bodies with TMDLs to be consistent with other general permits and assure compliance with federal regulations.
S3.I. (page 13)	Substitute “written” for “special” for clarification.
S4.B.1. (page 14)	Language is changed for clarification to read: “The Permittee must monitor by visual monitoring or sampling representative discharges of .....”
S4.B.3(page 14)	Requires visual inspection of each discharge to surface water to improve protection of water quality.
S4.D. (page 15)	Minor wording change for clarification – calendar quarter
S4.D. (page 15)	Inactive sites not required to sample are not required to submit DMRs to reduce administrative burden.
S4.E. (page 15 and 16)	Revision to make this condition compatible with footnote 3 of Tables 2 and 3.
S4.F.2. (page 16)	Added sentence to require review BMPs during summer inspection.
S4.F.4.d. (page 13)	Minor word change for clarification
S5.4. (pg18)	Added wording “incorporated plans” to assure other referenced BMP plans can be reviewed.
S5.C.3.a. (Page 19)	Deleted as necessary and added 10 days limitation to assure remedial BMPs are put in place in a timely manner. An extended time is allowed as necessary.
S5.C.3.b. (Page 19)	Added text “or as directed by Ecology” for situations where “as soon as practicable” is an uncertain time.
S6.A.2. (Page 25)	Insert text “as applicable” for clarification.
S9.B.(Page 29)	Require public notice for portables discharging to surface waters to assure adherence to NPDES regulations.





NPDES General Permit No. 50-0000

Issuance Date: August 4, 2010  
Effective Date: October 1, 2010  
Expiration Date: October 1, 2015  
Modified Date: August 17, 2011  
Modification Effective Date: October 1, 2011

# **The Sand and Gravel General Permit**

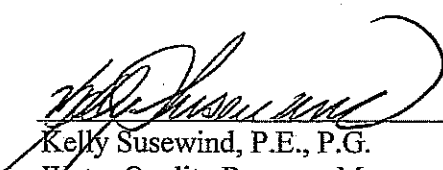
**A National Pollutant Discharge Elimination System  
and  
State Waste Discharge General Permit**

for Process Water, Stormwater, and Mine Dewatering Water Discharges Associated with Sand and Gravel Operations, Rock Quarries, and Similar Mining Facilities, Including Stockpiles of Mined Materials, Concrete Batch Operations and Hot Mix Asphalt Operations

**State of Washington  
Department of Ecology  
Olympia, Washington**

In compliance with the provisions of  
The State of Washington Water Pollution Control Law  
Chapter 90.48 Revised Code of Washington  
and  
The Federal Water Pollution Control Act  
(The Clean Water Act)  
Title 33 United States Code, Section 1251 et seq.

Until this permit expires, is modified or revoked, Permittees that have properly obtained coverage under this general permit are authorized to discharge in accordance with the special and general conditions which follow.

  
\_\_\_\_\_  
Kelly Susewind, P.E., P.G.  
Water Quality Program Manager  
Washington State Department of Ecology

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## SUMMARY OF REQUIRED REPORTS AND PLANS

### List of Required Reports

The table below lists reports that must be submitted in order to be in compliance with this permit. Additional reporting requirements can also be found in the Special and General Conditions of this permit.

Permit Section	Reports and Notices	Frequency	First Due Date
S4.B.4 and 5	Receiving Water Flow Report Discharge <sup>1</sup>	Once	Two years from date of coverage
S6.A	Discharge Monitoring Report	Quarterly	January 30, 2011
S6.E	Reporting Permit Violations	Each Noncompliance	Within 24 hours and in 30 days
S9.D and G11	Notice of Change in Operating Status <sup>2</sup>	Each Change	Within 10 days
S6.F and G5	Notification of Spill, Overflow, or Bypass	As Necessary	As necessary
G9.	Permit Application for Coverage for Substantive Changes to the Discharge <sup>2</sup>	As Necessary	As necessary
G11.	Notice of Change in Activities <sup>2</sup>	As Necessary	As necessary
G19.	Notice of Permit Transfer <sup>2</sup>	As Necessary	As necessary
G20.	Application for Permit Renewal	1/Permit Cycle	March 4, 2015

1. Receiving Water Flow Report only required for some *new facilities* that discharge to *surface waters of the state*. See S4.B.4 and 5.

2. The forms can be downloaded from: <http://www.ecy.wa.gov/programs/wq/sand/permit.html>

## SPECIAL CONDITIONS

### S1. PERMIT COVERAGE

#### S1.A. Coverage Under This Permit

The coverage provided in this general permit is limited to the specific facilities identified in listed below and within the following *Standard Industrial Classification (SIC)* and NAICS Codes, and the cited Subparts of 40 CFR Part 443, Effluent Limitations Guidelines for Existing Sources and Standards of Performance and Pretreatment Standards for New Sources for The Paving and Roofing Materials (Tars and Asphalt) *Point Source* Category, 40 CFR Part 436, Mineral Mining and Processing *Point Source* Category and 40 CFR Part 41, Cement manufacturing.

This general permit covers discharges from facilities in Washington State that have the following characteristics:

Table 1. The facility conducts activities designated by one or more of the following *Standard Industrial Classification (SIC)* or NAICS<sup>1</sup> codes:

<b>SIC number and description<sup>2</sup></b>	<b>Corresponding NAICS number and description (if different from SIC)</b>
0811 Timber Tracts (long term timber farms)	113110
1411 Dimension Stone	212311 Dimension Stone Mining and Quarrying
1422 Crushed and Broken Limestone	212312 Crushed and Broken Limestone Mining and Quarrying
1423 Crushed and Broken Granite	212313 Crushed and Broken Granite Mining and Quarrying
1429 Crushed and Broken Stone, NEC	212319 Other Crushed and Broken Stone Mining and Quarrying
1442 Construction Sand and Gravel	212321 Construction Sand and Gravel Mining
1446 Industrial Sand	212322 Industrial Sand Mining
1455 Kaolin and Ball Clay	212324 Kaolin and Ball Clay Mining
1459 Clay, Ceramic, and Refractory Minerals, NEC	212325 Clay and Ceramic and Refractory Minerals Mining
1499 Miscellaneous Nonmetallic Minerals, Except Fuels (bituminous limestone and bituminous sandstone)	212319 Other Crushed and Broken Stone Mining and Quarrying
1499 Miscellaneous Nonmetallic Minerals, Except Fuels (except bituminous limestone and bituminous sandstone)	212399 All Other Nonmetallic Mineral Mining
2411 Logging	113310
2951 Asphalt Paving Mixtures and Blocks	324121 Asphalt Paving Mixture and Block Manufacturing (includes recycled asphalt)
3271 Concrete Block and Brick	327331 Concrete Block and Brick Manufacturing
3273 Ready-Mixed Concrete	327320 Ready-Mix Concrete Manufacturing
3272 Concrete Products, Except Block and Brick (concrete pipe)	327332 Concrete Pipe Manufacturing

<b>SIC number and description<sup>2</sup></b>	<b>Corresponding NAICS number and description (if different from SIC)</b>
3272 Concrete Products, Except Block and Brick (concrete products, except dry mix concrete and pipe)	327390 Other Concrete Product Manufacturing
3272 Concrete Products, Except Block and Brick (dry mixture concrete)	327999 All Other Miscellaneous Nonmetallic Mineral Product Manufacturing including concrete recycle

<sup>1</sup> Italicized words in this permit are defined in Appendix B.

<sup>2</sup> A full descriptive text describing code activities is found in Appendix A.

In addition to the activities listed in Table 1, similar activities may be required to obtain coverage under this general permit. This applies when

1. Ecology determines the discharge characteristics are similar and the permit conditions satisfy applicable state and federal requirements; and
2. The facility has one or more of the following characteristics:
  - a. Owned or operated by private entities, the State of Washington or *local governments*; or
  - b. If the discharge is to *groundwater*, is owned or operated by the federal government or is located on tribal land (except within Indian reservations on trust land or land owned by tribal governments); and
3. The facility has one or more of the following characteristics or processes:
  - a. Any facility that ditches, routes, collects, contains, or impounds *process water, mine dewatering water, or Type 3 stormwater*.
  - b. Any facility that discharges *stormwater, mine dewatering water, or process water* to *surface waters of the state*.
  - c. Any facility that discharges to a municipal *storm sewer*.
  - d. Any facility with a discharge to *surface water* or *groundwater* that operates a concrete batch plant or a *hot mix asphalt plant* that uses a wet scrubber for air emissions control.
  - e. Any facility located inside a designated *wellhead protection area*.
  - f. Any *silvicultural point source*.
  - g. Any facility that recycles concrete or asphalt concrete.

#### **S1.B. Facilities Excluded From Coverage under This Permit**

1. Ecology will not provide coverage under this general permit for activities that fall under NAICS (SIC) codes listed above when the facility:
  - a. Has a pit design that will intercept more than one aquifer.
  - b. Discharges to a water body with a *Total Maximum Daily Load (TMDL)* for *turbidity, fine sediment, pH* or temperature unless the Permittee complies with S3.G.3 to S3.G.5, and the requirements of this general permit are adequate to provide the level of protection required by the *TMDL* or control plan.

- c. Discharges or proposes to discharge to a segment of a waterbody that is listed pursuant to Section 303(d) of the *Clean Water Act*, and discharges or proposes to discharge a listed *pollutant* at a concentration or volume that will cause or contribute to a violation of the applicable *water quality* standard.
- d. Uses material for reclamation or backfill that is not *inert* and also is not covered by a DNR reclamation permit.
- e. Conducts mining operations below the ordinary high water mark in a river or stream channel.
- f. Would impair adjacent water rights as a result of pit operations lowering the water table,
- g. Discharges to *surface water* on Federal Land or land within an Indian Reservation except for the Puyallup Reservation. Within the Puyallup Reservation, any facility that discharges to *surface water* on land held in trust by the federal government.

Any facility excluded from coverage under conditions S1.B.1.a-g must apply to Ecology for an individual discharge permit unless the activity is regulated under permit requirements of another section of the Federal *Clean Water Act*.

- 2. Ecology will not provide coverage under this general permit for any facility covered under a *National Pollutant Discharge Elimination System (NPDES)* permit or state waste discharge individual permit that addresses the same activities and pollutants.

## S2. EFFLUENT LIMITS

The Permittee is authorized to discharge *process water*, *mine dewatering water*, and *stormwater* to *waters of the state* at the permitted location subject to the following effluent limits and monitoring requirements. All discharges and activities authorized by this permit must be consistent with the terms and conditions of this permit. If the discharges from two or more industrial activities are combined, the most stringent effluent limits apply.

Permittees must comply with the following effluent limits and monitoring requirements for *process water*, *mine dewatering water*, and *stormwater*:



Table 2. Effluent Limits and Monitoring Requirements for Process Water and Mine Dewatering Water. See additional limits in S3 and additional monitoring requirements in S4.

Monitoring Requirements in S-4.											
Type	NAICS Code (see Appendix A)	Discharge to:	pH		Turbidity (NTU)		Total Suspended Solids (TSS)	Oil Sheen <sup>3</sup>	Discharge Flow (gpm)	Total Dissolved Solids (TDS)	
			Min	Max	Average Monthly	Maximum Daily	Average Quarterly				
Process Water, Mine Dewatering Water	113110, 212312, 212313, 212319, 212399	Surface	Quarterly <sup>1</sup>		Two/Month <sup>2</sup>		Quarterly <sup>1</sup>	Daily when runoff occurs	see S4.B.4 and S4.B.5	---	
			6.5	8.5	50	50	40 mg/l	No Discharge	---	---	
		Ground	Quarterly <sup>1</sup>		---		---	Daily when runoff occurs	---	---	
			6.5	8.5	---		---	Visible Sheen	---	---	
	212321	Surface	---		Two/Month <sup>2</sup>		Quarterly <sup>1</sup>	Daily when runoff occurs	see S4.B.4 and S4.B.5	---	
			---		50	50	25 mg/l	No Discharge	---	---	
		Ground	---		---		---	Daily when runoff occurs	---	---	
			---		---		---	No Discharge	---	---	
	212311, 212324, 212325,	Surface	---Surface Water Discharge Not Permitted---								
		Ground	Quarterly <sup>1</sup>		---		---	Daily when runoff occurs	---	---	
			6.5	8.5	---		---	No Discharge	---	---	
	212322	Surface	---		Two/Month <sup>2</sup>		Quarterly <sup>1</sup>	Daily when runoff occurs	see S4.B.4 and S4.B.5	---	
			---	---	50	50	25 mg/l	No Discharge	---	---	
		Ground	---		---		---	Daily when runoff occurs	---	---	
			---	---	---		---	No Discharge	---	---	
	327320, 327331 327332, 327390, 327999	Surface	One/Month		Two/Month <sup>2</sup>		Quarterly <sup>1</sup>	Daily when runoff occurs	see S4.B.4 and S4.B.5	---	
			6.5	8.5	50	50	40 mg/l	Visible Sheen	---	---	
		Ground	One/Month		---		---	Daily when runoff occurs	---	Monthly	
			6.5	8.5	---		---	Visible Sheen	---	500 mg/l	

Notes for Tables 2 and 3

1. Quarterly means at least one sample in each of the periods of January to March, April to June, July to September, and October to December.
2. When required to sample *turbidity* twice a month, there must be at least 24 hours between sampling.

Table 3. Effluent Limits and Monitoring Requirements for Type 2 and Type 3 Stormwater.

Type	NAICS Code (see Appendix A)	Discharge to:	pH		Turbidity (NTU)		Oil Sheen	Nitrate + Nitrite N mg/L <sup>4</sup>	Discharge Flow (gpm)
			Min	Max	Average Monthly	Maximum Daily			
<b>Stormwater (Type 2 &amp; 3)</b> Type 2 monitoring only applicable during earth moving activities	327320, 327331, 327332, 327390, 327999	Surface	One/Month		Two/Month <sup>2</sup>		Daily when runoff occurs		see S4.B.4 and S4.B.5
			6.5	8.5	50	50	No Discharge		----
		Ground	One/Month		----		Daily when runoff occurs		----
			6.5	8.5	----		No Discharge <sup>3</sup>		----
	113110, 212312, 212313, 212319, 212399 212324, 212325, 113310, 324121	Surface	Quarterly <sup>1</sup>		Two/Month <sup>2</sup>		Daily when runoff occurs	Quarterly <sup>1</sup>	see S4.B.4 and S4.B.5
			6.5	8.5	50	50	No Discharge <sup>3</sup>	0.68 mg/L	----
		Ground	Quarterly <sup>1</sup>		----		Daily when runoff occurs		----
			6.5	8.5	----		No Discharge <sup>3</sup>		----
	212311, 212321, 212322	Surface	----		Two/Month <sup>2</sup>		Daily when runoff occurs	Quarterly <sup>1</sup>	see S4.B.4 and S4.B.5
			----	----	50	50	No Discharge <sup>3</sup>	0.68 mg/L	----
		Ground	----		----		Daily when runoff occurs		----
			----	----	----	----	No Discharge <sup>3</sup>		

Notes for Tables 2 and 3(continued).

3. The discharge of sheen or petroleum products to surface or ground water is a violation and must be reported as a violation. The presence of a visible sheen on site is not a violation if the Permittee corrects the problem in a timely manner, notes the occurrence in the inspection report, explains the cause and describes the immediate solution and future preventive practices in the inspection report and the SWPPP. (See also conditions S4.E and S6.E)
4. Monitoring and limit applicable only when blasting is used at the facility (within 2 years prior to sample date).

### S3. ADDITIONAL DISCHARGE LIMITS

#### S3.A. BMP Maintenance

The Permittee must inspect, maintain, and repair all BMPs to ensure continued performance of their intended function.

#### S3.B. Not Cause or Contribute to a Violation of Standards

Discharges must not cause or contribute to a violation of: Groundwater Quality Standards (Chapter 172-200 WAC), Surface Water Quality Standards (Chapter 173-201A WAC), or Sediment Management Standards (Chapter 173-204 WAC) of the State of Washington; and 40 CFR 131.

#### S3.C. Maintenance Shop Zero Discharge

No *wastewater* shall be discharged to *surface water* or *ground water* from a maintenance shop unless the following criteria apply:

1. The maintenance shop exists at the time permit coverage begins; and
2. A discharge to *sanitary sewer* is not available; and
3. Adequate treatment before discharge is provided; and
4. The discharge will not cause or contribute to a violation of the *surface water* or *ground water quality* standards.

#### S3.D. Unauthorized Use of Site

The Permittee must maintain and manage permitted *sites* to prevent unauthorized activities such as illegal dumping, spilling, or other misuse of the *site* that could discharge *pollutants* to *waters of the state*. Appropriate *site* management may include, but is not limited to, visual inspections, signage, and physical security measures.

#### S3.E. Water Management

1. Any ditch, channel, or other *Best Management Practices (BMPs)* used for routing water must be designed, constructed, and maintained to contain all flows except when:

- Designed to infiltrate *Type 1 stormwater*.
- Precipitation exceeds the *design storm* (10-year, 24-hour event).

2. Lined Impoundment Required

This permit prohibits the direct discharge of *process water* from Concrete Batch Plants (NAICS 327320) and Asphalt Batch Plants (NAICS 324121), including any *wastewater* from truck wash-out areas, except to a lined impoundment. The lined impoundment must have adequate structural load-bearing design to support any mechanical method used for sludge removal and must be maintained to prevent any *discharge to groundwater*. After treatment, the Permittee may discharge *wastewater* subject to the limits set forth in Conditions S2 and other parts of this section (S3). At a minimum, the lined impoundment must meet one of the following design standards.

The Liner must be constructed of:

- a. Synthetic or flexible membrane material, not less than 30 mils thick (40 mils for new installations after the effective date of this permit), that must not react with the discharge.
  - b. Concrete with a minimum thickness of 6 inches.
  - c. Asphalt with a minimum thickness of 6 inches.
  - d. Steel-walled containment tank.
  - e. Any other functionally equivalent impoundment, structure, or technique that is based on standard engineering practices, and approved by Ecology to meet the intent of this section.
3. Impoundment Capacity
- Any impoundment must have adequate capacity to provide treatment for water quality and flow control of *wastewater*. The design storm for calculating the size required for the impoundment is the 10-year, 24-hour precipitation event.
4. The Permittee must inspect the structural integrity of a lined impoundment whenever sludge removal occurs and, before refilling, make any repairs necessary to ensure that the lined impoundment functions to prevent discharges as intended. Continuous removal systems must draw down the impoundment periodically for inspection.
5. Mined Pit Pond
- Discharges to a mined pit pond are not required to comply with TSS and *turbidity* limits prior to final reclamation. When reclamation is complete, discharges to the pond must not cause or contribute to a violation of *surface water quality* standards (Chapter 173-201A WAC).
6. The Permittee must not discharge *Type 3 stormwater* from an asphalt plant, concrete batch plant, asphalt release agent application area, or concrete truck washout area into a pit or excavation that penetrates the water table.

### S3.F. Use of Chemical Treatment Products

1. Document Use - The Permittee, upon application for coverage under this permit must document the use of any chemical treatment additives or soil stabilization polymers used to:
  - i) Treat water discharged to *waters of the state*;
  - ii) Stabilize soils.
  - iii) Suppress dust.

Documentation must identify the chemicals used, their commercial source, the material safety data sheet, and the application rate. The Permittee must retain this information on *site* or within reasonable access to the *site* and make it immediately available, upon request, to Ecology. The Permittee must notify Ecology prior to use of any new chemicals discharging to surface waters or of any significant change in application rates of chemicals discharging to surface waters.

2. Apply as Instructed by the Manufacturer – The Permittee must apply chemicals used to enhance solids settling before discharge to *waters of the state*, to stabilize soils, or abate dust according to the manufacturer's instructions and may only use a chemical if the toxicity to aquatic organisms is known. The Permittee may only use chemicals to stabilize soils if the *stormwater* from the chemical application area is routed to and treated by a *stormwater* detention pond.
3. The Permittee must not use ligninsulfonate for dust suppression in excavated areas, including areas where topsoil has been removed.
4. Additional Restrictions - In addition, chemical treatment/soil *stabilization* must meet one of the following conditions. It must:
  - a. Be consistent with Ecology's *Stormwater Management Manuals*.
  - b. Be consistent with other methods approved by Ecology's *Stormwater* Technical Review Committee or Chemical Technology Review Committee.
  - c. Use chemical treatment additives at a dosing rate resulting in no toxicity in the effluent or stormwater discharge.

### S3.G. Discharges to Surface Water — Additional Effluent Limits

1. The following operations are not allowed to discharge *process water* to surface *waters of the state*:
 

NAICS 324121 (SIC 2951), Asphalt Paving Mixture and Block Manufacturing (includes recycled asphalt), Asphalt Batch Plants

NAICS 212311, (SIC 1411), Dimension Stone

NAICS 212324, (SIC 1455), Kaolin and Ball Clay

NAICS 212325 (SIC 1459), Clay, Ceramic, & Refractory Mineral Not Elsewhere Classified

NAICS 212319, (SIC 1499), All other Nonmetallic Minerals
2. Discharges must not cause a visible increase in *turbidity* or objectionable color; or cause visible oil sheen in the *receiving water*.
3. *New facilities* and *existing facilities* must comply with *TMDL wasteload allocations* (for *turbidity*, *fine sediment*, *pH* and/or *temperature*) developed from a *TMDL* which was completed prior to the date permit coverage is issued.
4. *New facilities* that propose to discharge to an impaired water body that is on the *current EPA-approved 303(d) list*, but without a completed *TMDL*, must not discharge the listed *pollutant (turbidity, fine sediment (TSS), pH or temperature)* at a concentration or volume that will cause or contribute to a violation of the applicable *water quality* standard in the *receiving water*.
5. *Existing facilities* that discharge to an impaired waterbody on the *current EPA-approved 303(d) list* must not increase their loading or concentration of the listed *pollutant (turbidity, fine sediment measured as TSS, pH or temperature)* for the duration of the coverage of this permit or until a *wasteload allocation* is assigned to

the Permittee from a TMDL approved by the United States Environmental Protection Agency.

6. No Permittee may discharge pollutants in excess of levels established in a wasteload allocation in a TMDL approved by the United States Environmental Protection Agency.
  - a. Where an *applicable TMDL* has established a general waste load allocation for facilities covered by this permit but has not identified facility-specific requirements, compliance with conditions S2 through S5 will constitute compliance with the TMDL.
  - b. Where an applicable TMDL has not specified a waste load allocation for facilities covered by this permit, but has not excluded these discharges, compliance with conditions S2 through S5 will constitute compliance with the TMDL.
  - c. Where an applicable TMDL assigns a wasteload allocation to a specific facility, Ecology will implement the wasteload allocation by issuing a modified coverage or an administrative order.

#### S3.H. Discharges to Groundwater — Additional Effluent Limitations

The Permittee is authorized to discharge *process water*, *mine dewatering water*, and *stormwater* to *groundwater* at the permitted location subject to the numeric effluent limitations S2 above. If the Permittee combines discharges from two or more industrial activities, the most stringent effluent limit for each parameter applies.

1. There must be no visible oil sheen at any points of *discharge to groundwater*.
2. Any discharge to a pond, lagoon, or other type of impoundment or storage facility that is unlined is considered a *discharge to groundwater* and is subject to the *groundwater quality* standards (Chapter 173-200 WAC). Water ponding at a facility can be considered a discharge to groundwater.
3. If a Permittee discharges wastewater below the surface of the ground, such as to a dry well, drainfield, or injection well it must comply with the Underground Injection Control Program regulations (Chapter 173-218 WAC).

#### S3.I. Discharge to Sanitary Sewer

Discharge of *stormwater* to *sanitary sewers* is subject to the following conditions:

The Permittee may discharge stormwater to a non-delegated POTW only upon written approval by Ecology. The Permittee must submit a request to Ecology demonstrating that:

- No other option is feasible or reasonable.
- The POTW has excess wet season hydraulic capacity (no sanitary sewer overflows or treatment system bypasses).
- The POTW is willing to accept the discharge.
- The hydraulic loading to the POTW will be reduced by eliminating the clean water

that can be directly discharged directly without causing pollution.

The request must also certify that the Permittee is routinely implementing all applicable BMP's.

Discharges to sanitary sewer must meet the discharge restrictions of 40 CFR 403.

#### S3.J. Discharge of Type 3 Stormwater Directly to Ground Water

The Permittee must not discharge *Type 3 stormwater* from an asphalt plant, concrete batch plant, asphalt release agent application area, or concrete truck washout area into a pit or excavation that penetrates the water table.

#### S3.K. Inactive Sites

No excavation is allowed at an inactive site. All *inactive sites* are subject to the discharge limits for *stormwater* (Table 3).

An inactive site must have appropriate BMPs in place and functioning.

### S4. MONITORING REQUIREMENTS

#### S4.A. All Discharges

The Permittee must retain inspection, maintenance and servicing records of the following inspections on site and make them immediately available to Ecology upon request.

1. The Permittee must inspect oil/water separators once per month during the wet season (October 1 – April 30) and during and immediately after a large storm event of greater than or equal to 1 inch per 24 hours. The accumulated oil must be removed when it reaches a thickness of 1 inch. The bottom sludge must be removed when it reaches a thickness of 6 inches. Oil absorbent pads must be replaced as necessary to maintain effectiveness.
2. The Permittee must inspect all operationally related equipment and vehicles weekly for leaking fluids such as oil, hydraulic fluid, antifreeze, etc.

#### S4.B. Discharges to Surface Water

1. The Permittee must monitor by visual monitoring or sampling representative discharges of *process water*, *mine dewatering water*, *Type 2 stormwater* and *Type 3 stormwater* to *surface waters of the state*, or to a *storm sewer* that drains to *surface waters of the state*., *Sampling requirements* are given in a matrix in Tables 2 and 3 of Condition S2 above.
2. The Permittee must representatively sample discharges to *surface water*. *Representative sampling* of *Type 2 stormwater* and *Type 3 stormwater* requires sufficient number of sample locations to represent differences in *stormwater* quality. The Permittee must collect samples as close to the point where the discharge comes into contact with the *receiving water* as is reasonably achievable.
3. The Permittee must conduct a visual inspection of each point of discharge to *surface water* at least once a month when discharges occur. The date of the

inspection, and any visible change in *turbidity* or color in the *receiving water* caused by the discharge, must be recorded and filed with the monitoring plan required by Condition S2. The permittee may request an exemption from visual monitoring for any outfall where there is no safe access point from which to monitor the outfall. The permittee must specify by GPS coordinates or by diagram the specific location and the reason for exemption in an email or letter to Ecology. The permittee must keep any visual monitoring exemption approvals in the SWPPP.

4. *New facilities* that propose to discharge to a segment of a waterbody on the *current EPA-approved 303(d) list* for *turbidity* or *fine sediment* must conduct *turbidity* monitoring in accordance with an Ecology-approved monitoring plan that includes *receiving water* monitoring to demonstrate the discharge does not cause or contribute to the impairment. The applicant/Permittee must contact Ecology before developing a monitoring plan.
5. *New facilities* that propose to discharge to surface water must conduct a receiving water study for two years when Ecology determines, at the time of application, that there is a potential for violation of water quality standards. The study consists of measuring the receiving water flow and temperature and discharge flow and temperature at the time of *critical flows*. The applicant/Permittee must contact Ecology before developing a monitoring plan. If Ecology determines a receiving water study is required, the receiving water study plan must be completed before operations are begun.

#### S4.C. Discharges to Groundwater

1. The Permittee must monitor all discharges of *process water*, *mine dewatering water*, *Type 2 stormwater* and *Type 3 stormwater* to *groundwater* according to the matrix in Condition S2.
2. The Permittee is required to representatively sample discharges to ground. *Representative sampling* must include discharges of *wastewater* and *mine dewatering water* to groundwater; or may include sampling *groundwater quality* from monitoring wells in accordance with an Ecology-approved *groundwater* impact study based on Ecology Publication 96-02 (Implementation Guidance for the *Groundwater Quality Standards*). *Representative sampling* of *stormwater* requires the Permittee to identify the sample sites in the monitoring plan.

#### S4.D. Stormwater Monitoring at Inactive Sites

*Inactive sites* are not required to monitor stormwater or submit monitoring reports, however, all inactive sites are subject to the appropriate discharge limits and must maintain BMPs necessary to ensure compliance. Stormwater monitoring and reporting is required at *inactive sites* when both of the following conditions apply:

1. The Permittee or operator adds or withdraws raw materials or finished products from stockpiles during the calendar quarter, and
2. The *site* has a discharge of *stormwater* to *surface waters of the state*.

The monitoring requirements are given in Table 3 and reporting requirements are given



in S6.A.

#### S4.E. Monitoring for Oil Sheen

Permittees must conduct visual monitoring for oil sheen at all *surface water* and *groundwater* discharge points (or representative locations where water collects prior to discharge) each day that equipment operates and runoff occurs. If oil sheen is present, the Permittee must clean up the source and report the event on the inspection form identifying the probable cause of the oil sheen and describing the actions taken to prevent further contamination (See Condition S2, Tables 2 and 3, footnote 3).

#### S4.F. Stormwater Inspections

The Permittee must conduct at least two *stormwater* inspections each year at all *active sites* covered under this permit. The Permittee must conduct at least one inspection during the wet season (October 1 – April 30) and at least one inspection during the dry season (May 1 – September 30).

##### 1. Wet Season Inspection

The wet season inspection must be conducted by personnel named in the *SWPPP* and must include observations for the presence of floating materials, suspended solids, oil and grease, discoloration, *turbidity*, odor, etc. in the *stormwater* discharge(s).

The Permittee must conduct the inspection during a rainfall event adequate in intensity and duration to verify that:

- a. The description of potential *pollutant* sources (as defined in S5.C.5.b) required under this permit is accurate, and
- b. The Permittee has updated or otherwise modified the *site* map as required in the *SWPPP* (S5.C.5.a) to reflect current conditions and,
- c. The Permittee is implementing controls which are adequate to reduce *pollutants* in *stormwater* discharges associated with industrial activity identified in the *SWPPP*.

##### 2. Dry Season Inspection

The dry season inspection must be conducted by personnel named in the *SWPPP* and after at least seven (7) consecutive days of no precipitation. The inspection must determine the presence of *non-stormwater* discharges such as *process water* to the *stormwater drainage system*. If a discharge related directly or indirectly to *process water* is discovered, the Permittee must comply with non-compliance notification requirements of Special Condition S6.E. and must eliminate the discharge within ten (10) days. If the Permittee cannot eliminate the discharge within ten days, the discharge must be considered *process water* and subject to all *process water* conditions of this general permit. The inspection shall also include review of the implementation of BMPs to ensure that the *SWPPP* is fully implemented.

##### 3. Erosion and Sediment Control Inspections

- a. At *active sites* conducting earth moving activities that discharge to *surface water*,

the Permittee must inspect all on-site *erosion* and *sediment* control *BMPs* at least once every seven days, and within 24 hours after any storm event of greater than 0.5 inches of rain per 24 hour period. The Permittee must maintain a file containing a log of observations and corrective actions as part of the *Erosion and Sediment Control Plan (ESCP)*.

- b. At *Inactive sites* that are inactive for a period of three years or longer, and have the potential to discharge *stormwater* off *site*, a Registered Professional Engineer, or equivalent (e.g. Licensed Professional Geologist, Certified Professional in *Erosion and Sediment Control*, etc.) must certify every three years that the facility complies with this general permit. The Permittee must maintain the certification as part of the *Erosion and Sediment Control Plan (ESCP)*.

#### 4. Inspection Reports

The Permittee must prepare and retain a report on each inspection as part of the *SWPPP*. The report must summarize the:

- a. Scope of the inspection.
- b. Personnel conducting the inspection.
- c. Date(s) of the inspection.
- d. Observations relating to the implementation of the *SWPPP*.
- e. Any actions taken as a result of the inspection.

The responsible party must sign the reports in accordance with General Condition G1 and must certify that the Permittee has investigated the discharge of *stormwater* for the presence of *non-stormwater*.

#### S4.G. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit must represent the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets, and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the monitoring requirements specified in this permit must conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136.

#### S4.H. Laboratory Accreditation

The Permittee must ensure that all monitoring data required by Ecology is prepared by a laboratory registered or accredited under the provisions of chapter 173-50 WAC, *Accreditation of Environmental Laboratories*. Flow, temperature, *turbidity*, settleable solids, conductivity, *pH*, and internal process control parameters are exempt from this requirement. The Permittee or laboratory must obtain accreditation for conductivity and pH if accreditation or registration is required for other parameters.

## S5. SITE MANAGEMENT PLAN (SMP)

The Permittee must:

1. Fully implement the *SMP*.
2. Review the plan once a year and update it as necessary to represent changes in facility conditions.
3. Retain the *SMP* and permit on *site* or within reasonable access to the *site* and make it immediately available, upon request, to Ecology or the local jurisdiction.
4. Provide a copy of the *SMP* and applicable incorporated plans to the public when requested in writing to do so. The copy must be provided within 10 days.

The responsible party as identified in General Condition G1 must sign the *SMP* and all of its modifications. The Permittee may include in the *SMP*, by reference, applicable portions of plans prepared for other purposes (e.g. Pollution Prevention Plan prepared under the Hazardous Waste Reduction Act, Chapter 70.95C RCW). The referenced plans must be available on *site* or within reasonable access to the *site* and become enforceable requirements of the *SMP*.

The *SMP* consists of 4 main sections consisting of:

- A. *Erosion and Sediment Control Plan (ESCP)* (equivalent to a Clearing, Grading, and Excavation plan required by EPA).
- B. Monitoring Plan.
- C. Stormwater Pollution Prevention Plan.
- D. Spill Control Plan.

### S5.A. Erosion and Sediment Control Plan (ESCP)

The Permittee must prepare an *ESCP* prior to any earth moving activities. The *ESCP* must identify and describe the *erosion and sediment control BMPs* to be implemented at the facility and a schedule for *BMP* implementation.

1. The Permittee must initiate *Stabilization BMPs* as soon as practicable on portions of the *site* where mining activities have temporarily or permanently ceased. The Permittee must:
  - a. Stabilize and protect all soils from *erosion* by the timely application of effective *BMPs*.
  - b. Preserve existing *vegetation* where feasible. Areas that are not to be disturbed must be permanently marked; these include setbacks, sensitive/ critical areas and their buffers, trees, and drainage courses.
  - c. Design and construct cut slopes and fill slopes in a manner that will minimize *erosion*.
  - d. Provide *Stabilization* at the outlets of all conveyance systems to prevent *erosion*.

## 2. Runoff Conveyance and *Treatment BMPs*

The *ESCP* must include a description of runoff conveyance and *treatment BMPs* used to prevent *erosion* and *sedimentation*. The plan must ensure that the following requirements are satisfied. The Permittee must:

- a. Protect properties adjacent to the project *site* from *erosion* and *sedimentation* related to the facility.
- b. Construct *sediment* ponds and traps, perimeter dikes, *sediment* barriers, and other *BMPs* intended to trap *sediment* on *site* as a first step. These *BMPs* must be functional before land is disturbed. Slopes of earthen structures used for *sediment* control such as dams, dikes, and diversions must be stabilized immediately after construction.
- c. Design any *BMP* constructed at an *active site* to maintain separation of *Type 2 stormwater* from *Type 3 stormwater* and *Type 1 stormwater* during the peak flow from the *design storm*. If any commingling of *Type 1*, *Type 2*, or *Type 3 stormwater* occurs, the Permittee must meet the most restrictive permit requirements.

## S5.B. Monitoring Plan

At *active sites*, Permittees must maintain and comply with a monitoring plan developed in accordance with Special Conditions S2, S3, and S4. The Permittee must retain the monitoring plan and permit on *site* or within reasonable access to the *site* and make it immediately available, upon request, to Ecology or local jurisdiction. In addition, the Permittee must make the monitoring plan available to the public when requested in writing to do so. The responsible party as identified in General Condition G1 must sign the monitoring plan and all of its modifications.

### 1. Monitoring Plan and Content Requirements

The monitoring plan must at minimum:

- a. Identify all the industrial activities at the *site*.
- b. Include all of the applicable parameters and monitoring frequencies identified in Special Conditions S2, S3, S4, and S5 as monitoring requirements. Where a discharge combines two or more industrial activities and each activity requires the same monitoring parameter and frequency, only one sample and analysis for that parameter will be required. No sampling is required of water held in a lined impoundment that is designed, constructed, and maintained in accordance with Special Condition S3.E.2. Any discharges from a lined impoundment to *waters of the state* must be sampled in accordance with the monitoring plan.
- c. Include a site map identifying the location of all sampling points, the types of discharges that occur at each point (e.g. *process water*, *mine dewatering water* and *stormwater*), and whether the discharge is to *surface water* or *groundwater*. The plan must identify enough sample points to provide *representative sampling* of all *point source* discharges to *surface water* or *groundwater*.
- d. Assign a unique label (e.g. S1, S2, etc.) to each sampling point. The Permittee

must use these labels on Discharge Monitoring Reports (DMRs).

- e. List the standard procedures used at the facility for collecting samples for analysis. The publications NPDES Stormwater Sampling Guidance Document (EPA 833-B-92-001, July 1992), or How to Do Stormwater Sampling — A guide for industrial facilities (Ecology Publication 02-10-071), or equivalent sampling methods, must be used as guidance for *stormwater*, *mine dewatering water*, and *process water* sampling procedures. The Permittee must collect samples taken to meet the requirements of this general permit during the facility's normal working hours and while processing at normal levels.
- f. List the non-compliance notification procedures and contact numbers.

## 2. Maintaining Monitoring Plan

If facility conditions require the addition or deletion of a sampling point, the Permittee must inform Ecology in writing of the addition/deletion before the end of the quarter in which the change will occur. Notification is by use of the appropriate notification form.

## S5.C. Stormwater Pollution Prevention Plan (SWPPP)

The Site Management Plan (SMP) must include a SWPPP.

1. The *SWPPP* must be consistent with permit requirements and include the *BMPs* necessary to provide *AKART*. It must also include any additional *BMPs* as necessary to comply with state *water quality* standards.
2. Unless the facility is designed for reuse of process water, the *SWPPP* must include measures to prevent the addition of *process water* or *mine dewatering water* into *stormwater* and measures to verify that *non-stormwater* discharges do not enter the *stormwater* treatment system. *Stormwater* that commingles with *process water* is considered *process water* and is subject to all permit conditions for *process water*.
3. Modifications of the *SWPPP*
  - a. The Permittee must review and modify the *SWPPP* whenever there is a violation of *stormwater* discharge limits in Special Conditions S2 and S3. Additional or modified *BMPs* must be implemented as soon as practicable but not to exceed 10 days except for those circumstances that require additional time for such as obtaining other permits or purchasing equipment. Allowance of time beyond 10 days must be requested of and approved by Ecology.
  - b. Ecology may require the Permittee to modify the *SWPPP* for non-compliance with the minimum requirements of this section. The Permittee must then complete *SWPPP* modifications and implement additional or modified *BMPs* as soon as practicable or as directed by Ecology.
4. *Stormwater BMPs* must be consistent with one of the following conditions:
  - a. The *Stormwater Management Manual* (most current edition) for Western Washington, for *sites* west of the crest of the Cascade Mountains.

- b. The *Stormwater Management Manual* (most current edition) for Eastern Washington, for *sites* east of the crest of the Cascade Mountains.
- c. Other equivalent *stormwater* management guidance documents which have been subject to public review and comment and approved by Ecology.
- d. Documentation in the *SWPPP* that the *BMPs* selected provides an equivalent level of *pollution* prevention, compared to the applicable *Stormwater Management Manual*, including:
  - i. The technical basis for the selection of all *stormwater BMPs* (scientific, technical studies, and/or modeling) which support the performance claims for the *BMPs* being selected
  - ii. An assessment of how the selected *BMP* will satisfy *AKART* requirements and the applicable federal technology-based treatment requirements under *40 CFR* part 125.3.

#### 5. *SWPPP* Contents and Requirements

The *SWPPP* must contain, at a minimum, the following:

##### a. *Site Map* (may be combined with site map required in S5.B)

The *site map* must locate and document the *stormwater* drainage and discharge structures, an outline of the *stormwater* drainage areas for each *stormwater* discharge point (including discharges to *groundwater*,) and the discharge points. The *site map* must also identify nearby and on-site *surface water* bodies, drainage ditches and any known underlying aquifers.

The *site map* must also identify all areas associated with industrial activities including, but not limited to, the following:

- i. Loading and unloading of dry bulk materials or liquids.
- ii. Outdoor storage of materials or products.
- iii. Outdoor processing.
- iv. Processes that generate dust and particles.
- v. Roofs or other surfaces exposed to air emissions from a process area.
- vi. On-site waste treatment, storage, or disposal.
- vii. Vehicle and equipment maintenance and/or cleaning.
- viii. Paved areas and buildings.
- ix. Underground storage of materials or products.

Lands adjacent to the *site* must also be depicted where helpful in identifying discharge points or drainage routes.

##### b. Inventory of Materials and Pollutant Sources

This inventory must list potential pollutants and pollutant sources. The inventory of materials must include a list of all types of materials handled at the

*site* that are exposed to precipitation or run-off (e.g. raw materials, cement admixtures, petroleum products, etc.).

c. *Runoff Conveyance and Treatment BMPs (see Stormwater Manual for Western/Eastern Washington Vol. 5)*

The *SWPPP* must include runoff conveyance and *treatment BMPs* as necessary to control pollutants and comply with the *stormwater* discharge limits in S2 and S3.

Runoff conveyance *BMPs* include, but are not limited to:

- i. Interceptor dikes
- ii. Swales
- iii. Channel lining
- iv. Pipe slope drains
- v. Outlet protection

*Treatment BMPs* may include, but are not limited to:

- i. Oil/water separators
- ii. Biofiltration swales
- iii. Infiltration or detention basins
- iv. *Sediment* traps
- v. Chemical treatment systems
- vi. *Constructed wetlands*

d. *Innovative BMPs*

Innovative treatment, source control, reduction or recycling, or operational MP's beyond those identified in Ecology's *SWMMs* are encouraged if they help achieve compliance with this general permit.

e. *Other Materials*

The Permittee must manage the following materials to prevent *stormwater* contamination:

1. Toxic materials or chemicals
2. Petroleum contaminated soils (PCS) that fail to meet the most protective MTCA Method 'A' treatment levels (WAC 173-340-740(2))
3. Cement
4. Admixtures
5. Fuels, lubricants, tar and other petroleum products
6. Any material that contains petroleum contamination or has the potential to cause aquatic toxicity.

f. *Source Control BMPs*

The *SWPPP* must include *source control BMPs* as necessary to achieve *AKART* and compliance with the *stormwater* discharge limits in S2 and S3. Ecology has determined the following BMPs will be appropriate for most facilities covered under this permit. The Permittee may omit individual BMPs if site conditions render the BMP unnecessary, infeasible, or the Permittee provides alternative and equally effective BMPs. The Permittee must note the rationale for omission or substitution in the *SWPPP*. The Permittee must:

1. Store all chemical liquids, fluids, and petroleum products, on an impervious surface surrounded with a containment berm or dike that is capable of containing 10% of the total enclosed tank volume or 110% of the volume contained in the largest tank, whichever is greater.
  - i) Precipitation must be prevented from accumulating in containment areas with a roof or equivalent structure.
  - ii) If cover is not practicable, the Spill Control Plan must include a description of how accumulated water will be managed and disposed of.
2. Empty containers must be fully drained, capped and labeled. The number of empty containers on site must be minimized.
3. Use drip pans and absorbents under leaky vehicles and equipment or store indoors where feasible.
4. Fit all dumpsters containing leachable materials with a lid that must remain closed when not in use, or alternatively keep the dumpster under cover.
5. Locate spill kits at all stationary fueling stations, fuel transfer stations, and mobile fueling units.
6. Use drip pans or equivalent containment measures during all petroleum transfer operations.
7. Conduct all vehicle and equipment cleaning operations under cover or in a bermed area to prevent commingling of wash water and stormwater. All wash water must drain to a proper collection system (i.e., not the stormwater drainage system). This does not apply to using low pressure (under 100 psi) cold water to rinse mud off of vehicles and equipment provided no soap is used, and provided that the rinse water is routed to a sediment treatment structure on the site.
8. Store uncured concrete, any type of concrete solids (does not include fully cured or recycled concrete), uncured asphalt paving materials, cold mix asphalt on a bermed impervious surface. This includes ecology blocks, septic tanks, jersey barriers, and other cast concrete products.
9. Treat all stormwater that contacts these materials (identified in 7 above) in a lined impoundment as the permit considers it process wastewater. Discharge of this water is subject to the effluent limitations in permit condition S2 and must not cause a violation of water quality standards.
10. Store lead acid batteries under cover.



11. Take leaking equipment out of service and prevent it from leaking on the ground until repaired. Repair all leaks before putting equipment back into service on the site.
12. Manage paving equipment to prevent stormwater contamination.
13. Manage sediment track out to paved public roads to prevent the tracked sediment from delivering to surface water or storm drain systems. Discharges to surface waters, public storm drain systems, or both are subject to permit limits for turbidity and must be included in the Permittee's sampling plan whenever track out onto the public roadway is evident. Measures recommended to control or prevent track out include:
  - a. Limit vehicle access and exit to one route, if possible.
  - b. Stabilize access points with a pad of quarry spalls, crushed rock, or other *equivalent BMP*, as necessary to minimize the tracking of sediment onto public roads.
  - c. Locate a closed loop wheel wash or tire baths (or equivalent BMP) on site, if the stabilized construction entrance is not effective in preventing sediment from being tracked onto public roads. Wheel wash or tire bath wastewater, must be discharged to an on-site treatment system or to the sanitary sewer.
  - d. Clean public roads thoroughly at the end of each day or more frequently during wet weather if sediment is tracked off site. Clean sediment from roads by shoveling or pickup sweeping and transport to a controlled sediment disposal area.
  - e. Only wash streets after sediment is removed in accordance with condition d above. Street wash wastewater must be controlled by pumping back on site or otherwise be prevented from discharging into systems tributary to waters of the state.
14. The Permittee must use source control BMPs in the following areas as necessary to control pollutants:
  - a. Fueling at Dedicated Stations
  - b. Mobile Fueling
  - c. Loading and Unloading Areas
  - d. Storage of Liquid in Above-Ground Tanks
  - e. Dust Control
  - f. High Use Parking Areas
  - g. Storage or Transfer of Solid Raw Materials, By-Products or Finished Products

(See *Stormwater Manual for Western/Eastern Washington Vol. 4* for specific BMPs)

#### S5.D. Spill Control Plan

##### 1. Materials of Concern

The Permittee must maintain and comply with a Spill Control Plan for the prevention, containment, control and cleanup of spills or unplanned discharges of:

- a. Oil and petroleum products including accidental release from equipment.
- b. Materials, which when spilled, or otherwise released into the environment, are designated Dangerous (DW) or Extremely Hazardous Waste (EHW) by the procedures set forth in WAC 173-303-070.
- c. Other materials which may become *pollutants* or cause *pollution* upon reaching *waters of the state*.

##### 2. Spill Control Plan Contents

The Permittee must review and update the Spill Control Plan, as needed, but at least annually. The Spill Control Plan must include the following:

- a. A description of the reporting system which will be used to alert responsible managers and legal authorities in the event of a spill.
- b. A list of equipment and materials on *site* that have the potential to leak or spill.
- c. A description of preventive measures and facilities (including an overall facility plot showing drainage patterns) which prevent, contain, or treat spills of these materials.
- d. Specific handling procedures and storage requirements for materials kept on *site*.

##### 3. Spill Response

The Permittee must have the necessary cleanup materials available and respond to all spills in a timely fashion, preventing their discharge to *waters of the state*. All employees must receive appropriate training to assure all spills are reported and responded to appropriately. The Permittee must immediately clean up all spills, leaks, and contaminated soil to prevent the discharge of pollutants to groundwater or surface waters.

### **S6. REPORTING AND RECORD KEEPING REQUIREMENTS**

The Permittee must monitor and report in accordance with the following conditions. The falsification of information submitted to Ecology constitutes a violation of the terms and conditions of this permit.

#### S6.A. Discharge Monitoring Reports

1. The Permittee must submit a "Discharge Monitoring Report (DMR)" form on a quarterly basis for all:
  - a. *active sites*, whether or not the facility was discharging.

If there was no discharge, submit the form as required and with the words "no discharge" or "not operational", as applicable, on the DMR form in place of the

monitoring results.

- b. *inactive sites* required to conduct *stormwater* monitoring per condition S4.D.
2. The first monitoring period starts on the date the permit coverage begins. The Permittee must report monitoring results obtained during the previous three (3) months on the DMR provided, or otherwise approved, by Ecology.
3. The Permittee must submit DMRs to the *Water Quality* Permit Coordinator at the appropriate regional office that issued DMRs under the general permit. DMRs must be received by Ecology according to the schedule below:

Discharge Monitoring Period	DMR due on or before:
October, November, December	January 30
January, February, March	April 30
April, May, June	July 30
July, August, September	October 30
Note: If a Permittee is covered under this permit for only part of a monitoring period, they must submit a DMR for the period of time that they are in active status (see S4.D).	

#### S6.B. Additional Monitoring by the Permittee

Any Permittee that monitors any *pollutant* more frequently than required in Conditions S2, S3, or S4 must include those results in the calculation and reporting of the data submitted in the DMRs or other reporting requirements.

#### S6.C. Records Retention

The Permittee must retain records of all monitoring information for a minimum of five (5) years. Such information must include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. The Permittee must extend this period of retention during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by Ecology.

#### S6.D. Recording of Results

The Permittee must record, for each measurement or sample taken, the following information:

1. The date, exact place, method, and time of sampling.
2. The individual who performed the sampling or measurement.
3. The dates the analyses were performed.
4. The individual or lab which performed the analyses.
5. The analytical techniques or methods used.
6. The results of all analyses.

#### S6.E. Reporting Permit Violations

In the event the Permittee is unable to comply with any of the permit terms, conditions or discharge limits, due to any cause, the Permittee must:

1. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the violation, correct the problem and, if applicable, repeat sampling and analysis of any violation immediately.
2. Notify the Ecology Regional Sand and Gravel Permit Manager by phone or in person within 24 hours of when the Permittee becomes aware of the circumstances.
3. Submit a detailed written report to Ecology within 30 days, five days for upsets, spills and *bypasses*, unless requested earlier by Ecology. The report must describe the nature of the violation, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of the re-sampling, and any other pertinent information. The Permittee may not substitute data from re-sampling for ongoing permit monitoring required under Special Condition S2, S3 and S4 and must not be reported on the DMR.

Compliance with this condition does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

#### S6.F. Spill Reporting

The Permittee must report all spills according to section E above.

### S7. SOLID WASTE DISPOSAL

#### S7.A. Solid Waste Handling

The Permittee must handle and dispose of all solid waste material, including material from cleaning catch basins and any sludge generated by impounding *process water* or *stormwater*, in such a manner as to prevent its entry into *waters of the state*. Disposal must comply with all applicable local, state, and federal regulations.

#### S7.B. Leachate

The Permittee must not allow *leachate* from solid waste material to enter *waters of the state* without providing *AKART*, nor allow such *leachate* to cause or contribute to violations of the State Surface *Water Quality* Standards, Chapter 173-201A WAC, or the State *Groundwater Quality* Standards, Chapter 173-200 WAC. The Permittee must apply for a permit or permit modification as may be required for such discharges to *waters of the state*.

#### S7.C. Recycle and Waste Material Other Than Concrete or Asphalt

The Permittee must comply with the Minimum Functional Standards for Solid Waste Handling, Chapter 173-350 WAC, and where appropriate, the Dangerous Waste Regulations, Chapter 173-303 WAC. The Permittee must meet the procedural, operational, and structural controls required under the Chapter 173-350 for any type of recycling or solid waste handling on the site. If the Permittee places or intends to place amounts and types of inert waste as defined in WAC 173-350-990, they must fully

comply with solid waste regulations. The Permittee must comply with the requirements for obtaining permits from health departments that have jurisdiction over the disposal activities at the permitted site and comply with those permits.

This permit does not authorize discharge of leachate or process water from solid waste handling activities except as provided under WAC 173-350-990 (inert waste).

## S8. OTHER/UNPERMITTED USES OF SITE

All activities at the permitted site must have the appropriate permits for those uses. This permit does not cover any discharge from uses not falling within the NAICS/SIC codes covered by the General Sand and Gravel Permit. No discharge is allowed from any activities unless it is either covered under this permit's NAICS/SIC code criteria or is covered by a separate individual wastewater discharge permit.

## S9. PERMIT APPLICATION

### S9.A. How to Apply for General Permit Coverage for Non-Portable Facilities

1. All *new facilities*, un-permitted *existing facilities*, and permitted *existing facilities* that intend to obtain coverage or implement a significant process change must submit a completed and signed "Sand and Gravel General Permit Application for Coverage" form (ECY 070-31) to Ecology. The Permittee must submit the *application for coverage* no less than one hundred and eighty (180) days before beginning any activity that may result in the discharge of any *pollutant*. No discharge is authorized until the effective date of permit coverage as provided in Special Condition S9.C below. *New facilities* proposing to discharge to surface waters should review condition S4.B above.
2. Facilities with *stormwater* discharge to a *storm sewer* operated by any of the following municipalities must send a copy of their *application for coverage* to the appropriate *municipality*: Seattle, King County, Snohomish County, Tacoma, Pierce County, and Clark County.
3. All *new facilities* and permitted *existing facilities* planning a *significant process change* must:
  - a. Satisfy public notice requirements in WAC 173-226-130(5). Ecology will provide instructions for complying with public notice requirements.
  - b. Certify that the applicable *SEPA* requirements have been met.
  - c. Meet the requirements of Chapter 173-240 *SUBMISSION OF PLANS AND REPORTS FOR CONSTRUCTION OF WASTEWATER FACILITIES*
4. A Permittee may include in the *application for coverage*, activities that are, or could be performed by an operator(s) other than the Permittee. These activities may be ongoing or intermittent. As the permit holder, the Permittee is responsible for compliance with all conditions of the permit.

### S9.B. How to Apply for and Maintain Permit Coverage for Portable Facilities

An owner and/or operator of a portable concrete batch plant, portable asphalt batch

plant, or portable rock crusher may obtain general permit coverage to operate the portable facility throughout Washington State by submitting a completed and signed "Application for Coverage for Portable Operations" form (ECY 070-35) to Ecology. *New facilities* (i.e. facilities that did not operate in Washington State prior to February 4, 2005) must comply with S9.A.3 at the time of application. No discharge is authorized until the effective date of permit coverage as provided in Special Condition S9.C.

Permit coverage will apply only to the specific portable facility identified in the "Application for Coverage for Portable Operations" form. Permit coverage is provided for the portable facility at *sites* throughout the state subject to the following requirements:

1. Coverage of the portable facility at a *site* is for a limited time, not to exceed two (2) years. However, when related to a specific project, two six-month extensions may be granted upon request. The Permittee must submit the request to Ecology in writing, at least 30 days before the facility will exceed two years at a *site* and explain why a six-month extension is warranted.
2. The Permittee of the portable facility must submit a completed and signed "Portable Facility Notification of Intent to Begin Operation" form (ECY 070-36) no less than ten (10) days before beginning each operation at a new location. The form must be sent to the *Water Quality* Permit Coordinator at the appropriate Ecology regional office for where the *site* and operation is located. The Permittee must also complete requirements for new discharges (S9.A.3.a and b above) if the new location will have a discharge to surface waters.
3. Upon completion of the portable operation, the Permittee must restore all areas affected by the operation in accordance with the "Site Restoration" portion of the "Notice of Intent to Begin Operations" form submitted to Ecology prior to beginning operations.

*Site restoration must include:*

- a. Cleaning up, or otherwise preventing the discharge of, *any pollutant* (including spilled petroleum products) to *waters of the state*.
  - b. Stabilizing all areas affected by activities associated with the portable operation with a permanent vegetative cover or equivalent permanent *stabilization* measure (crushed rock surfacing, rip rap, etc.) which will prevent *erosion*.
4. The Permittee must submit a completed and signed "Portable Facility Notice of Completion of Portable Operations" form (ECY 070-30) to the *Water Quality* Permit Coordinator at the appropriate Ecology regional office when it has completed the following:
    - a. All activities associated with the portable operation have ceased.
    - b. All equipment associated with the operation has been removed.
    - c. All land affected by the portable operation has been restored in accordance with S9.E.

### S9.C. Permit Coverage Timeline For New Facilities

1. Unless Ecology notifies the applicant in writing to the contrary, coverage under this general permit will begin on the later of the following:
  - a. The thirty-first (31<sup>st</sup>) day after Ecology receives the completed *application for coverage*.
  - b. The thirty-first (31<sup>st</sup>) day after the end of a thirty (30) day public comment period.
  - c. The effective date of the general permit.
2. If the application is incomplete, an appeal has been filed, public comments have been received, or more information is necessary to determine whether a facility requires coverage under the general permit, additional time may be required to review the application. When additional time is required, Ecology will:
  - a. Notify the applicant in writing and identify the issues that must be resolved before a decision can be reached.
  - b. Send the final decision to the applicant in writing. If the *application for coverage* is approved, coverage begins the thirty-first (31<sup>st</sup>) day after approval.
3. If the applicant has an individual permit but applies for coverage under the general permit, the individual permit will remain in effect until terminated in writing by Ecology. However, an expired individual permit, pursuant to WAC 173-220-180(5), will terminate upon coverage by the general permit.

### S9.D. Reporting Change in Operating Status

Any facility that changes operating status from *active* to *inactive*, or *inactive* to *active*, must submit an "Operating Status Change Form" (ECY 070-331) to Ecology as follows:

1. If the change is from *inactive* to *active*, the form must be submitted no less than ten (10) days before the change.
2. If the change is from *active* to *inactive*, the form must be submitted no later than ten (10) days after the change.

The failure to accurately report changes in operating status is a permit violation.

### S9.E. Terminating Coverage

A Permittee may request termination (cancellation) of permit coverage for a *closed site* by submitting a "Change Request Form" (ECY 070-32). In addition to discontinuing all activities at the *site*, the Permittee must complete restoration of the *site*.

1. A mining *site* is considered restored when DNR has completely released the reclamation bond or the *site* has been reclaimed to the satisfaction of the Ecology permit manager and local jurisdiction, if required. If the site is not subject to DNR reclamation, the mining *site* is considered restored when the *site* has been reclaimed to the satisfaction of the Ecology permit manager and local jurisdiction, if required.
2. Processing *sites* (includes concrete and asphalt batch operations) are considered

restored when processing equipment has been removed and the Ecology permit manager determines the *site* has been returned to an appropriate condition.

3. Permittees that operated a portable facility at one or more locations in Washington State may terminate statewide permit coverage if the Permittee is in compliance with S9.B.4 at all *sites* where they have operated a portable facility under this permit.
4. If the Permittee is prohibited by law from accessing the *site* to complete *site* restoration, the Permittee may request termination by submitting to Ecology a "Change Request Form" (ECY 070-32) along with documentation of the Permittee's inability to access the *site*.

#### S9.F. Transferring Permit Coverage

See condition G19 and Ecology Change Request Form



# GENERAL CONDITIONS

## G1. SIGNATORY REQUIREMENTS

A. All applications, reports, or information submitted to Ecology must be signed and certified.

(a). In the case of corporations, by a responsible corporate officer.

For the purpose of this section, a responsible corporate officer means:

- (i). A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision making functions for the corporation, or
- (ii). the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b). In the case of a partnership, by a general partner.

(c). In the case of sole proprietorship, by the proprietor.

(d). In the case of a municipal, state, or other public facility, by either a principal executive officer or ranking elected official.

Applications for permits for domestic wastewater facilities that are either owned or operated by, or under contract to, a public entity must be submitted by the public entity

B. All reports required by this permit and other information requested by Ecology must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- 1. The authorization is made in writing by a person described above and submitted to Ecology.
- 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

C. Changes to authorization. If an authorization under paragraph B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph

B.2 above must be submitted to Ecology prior to or together with any reports, information, or applications to be signed by an authorized representative.

- D. Certification. Any person signing a document under this section must make the following certification:

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

## G2. DISCHARGE VIOLATIONS

All discharges and activities authorized by this general permit must be consistent with the terms and conditions of this general permit. The discharge of any *pollutants* more frequently than, or at a concentration in excess of, that authorized by this permit constitutes a violation of the terms and conditions of this permit.

## G3. PROPER OPERATION AND MAINTENANCE

The Permittee must at all times properly operate and maintain all facilities and systems of collection, treatment, and control (and related appurtenances) which are installed or used by the Permittee for *pollution* control.

## G4. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee, in order to maintain compliance with their general permit coverage, must control production and/or all discharges upon reduction, loss, failure, or *bypass* of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

## G5. BYPASS PROCEDURES

Bypass, which is the intentional diversion of waste streams from any portion of a treatment facility, is prohibited, and Ecology may take enforcement action against a Permittee for bypass unless one of the following circumstances (1, 2, or 3) is applicable.

1. Bypass for Essential Maintenance without the Potential to Cause Violation of Permit Limits or Conditions.

Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of this permit, or adversely impact

public health as determined by Ecology prior to the bypass. The Permittee must submit prior notice, if possible, at least ten (10) days before the date of the bypass.

2. Bypass Which is Unavoidable, Unanticipated, and Results in Noncompliance of this Permit.

This bypass is permitted only if:

- a. Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.
- b. There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment downtime (but not if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance), or transport of untreated wastes to another treatment facility.
- c. Ecology is properly notified of the bypass as required in condition S6E of this permit.

3. Bypass which is Anticipated and has the Potential to Result in Noncompliance of this Permit.

The Permittee must notify Ecology at least thirty (30) days before the planned date of bypass. The notice must contain (1) a description of the bypass and its cause; (2) an analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing; (3) a cost-effectiveness analysis of alternatives including comparative resource damage assessment; (4) the minimum and maximum duration of bypass under each alternative; (5) a recommendation as to the preferred alternative for conducting the bypass; (6) the projected date of bypass initiation; (7) a statement of compliance with SEPA; (8) a request for modification of water quality standards as provided for in WAC 173-201A-410, if an exceedance of any water quality standard is anticipated; and (9) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

For probable construction bypasses, the need to bypass is to be identified as early in the planning process as possible. The analysis required above must be considered during preparation of the engineering report or facilities plan and plans and specifications and must be included to the extent practical. In cases where the probable need to bypass is determined early, continued analysis is necessary up to and including the construction period in an effort to minimize or eliminate the bypass.

Ecology will consider the following prior to issuing an administrative order for this type bypass:

- a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of this permit.

- b. If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.
- c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, Ecology will approve or deny the request. The public must be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass will be by administrative order issued by Ecology under RCW 90.48.120.

## G6. RIGHT OF INSPECTION AND ENTRY

The Permittee must allow an authorized representative of Ecology, upon the presentation of credentials and such other documents as may be required by law:

- A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit.
- B. To have access to and copy - at reasonable times and at reasonable cost - any records required to be kept under the terms and conditions of this permit.
- C. To inspect - at reasonable times - any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.
- D. To sample or monitor - at reasonable times - any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.

## G7. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications must be submitted to Ecology for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications must be submitted at least one hundred eighty (180) days prior to the planned start of construction unless a shorter time is approved by Ecology. Facilities must be constructed and operated in accordance with the approved plans.

## G8. NOTIFICATION OF CHANGE IN COVERED ACTIVITIES

The Permittee must submit a new *application for coverage* whenever facility expansions, production increases, or process modifications are anticipated that will:

- A. Result in new or *substantially changed* discharges of *pollutants*; or
- B. Violate the terms and conditions of this permit. This new *application for coverage* must be submitted at least 60 days prior to the proposed changes. Submission of the *application for coverage* does not relieve the Permittee of the duty to comply with the existing permit.

## G9. PERMIT COVERAGE REVOKED

Pursuant with Chapter 43.21B RCW and Chapter 173-226 WAC, the *Director* may require any *discharger* authorized by this permit to apply for and obtain coverage under an individual permit or another more specific and appropriate general permit. Cases where revocation of coverage may be required include, but are not limited to, the following:

- A. Violation of any term or condition of this permit;
- B. Obtaining coverage under this permit by misrepresentation or failure to fully disclose all relevant facts;
- C. A change in any condition that requires a temporary or permanent reduction or elimination of the permitted discharge;
- D. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090;
- E. A determination that the permitted activity endangers human health or the environment, or contributes to *water quality* standards violations;
- F. Nonpayment of permit fees or penalties assessed pursuant to RCW 90.48.465 and Chapter 173-224 WAC;
- G. Failure of the Permittee to satisfy the public notice requirements of WAC 173-226-130(5), when applicable; or
- H. Incorporation of an approved local pretreatment program into a *municipality's* permit.

Permittees that have their coverage revoked for cause according to WAC 173-226-240 may request temporary coverage under this permit during the time an individual permit is being developed, provided the request is made within ninety (90) days from the time of revocation and is submitted along with a complete individual permit application form.

## G10. GENERAL PERMIT MODIFICATION AND REVOCATION

This permit may be modified, revoked and reissued, or terminated in accordance with the provisions of Chapter 173-226 WAC. Grounds for modification or revocation and re-issuance include, but are not limited to, the following:

- A. When a change occurs in the technology or practices for control or abatement of *pollutants* applicable to the category of *dischargers* covered under this permit;
- B. When effluent limitation guidelines or standards are promulgated pursuant to the FWPCA or Chapter 90.48 RCW, for the category of *dischargers* covered under this permit;
- C. When a *water quality* management plan containing requirements applicable to the category of *dischargers* covered under this permit is approved; or
- D. When information is obtained that indicates the cumulative effects on the environment from *dischargers* covered under this permit are unacceptable.

## G11. REPORTING A CAUSE FOR MODIFICATION

A Permittee who knows, or has reason to believe, any activity has occurred or will occur

which would constitute cause for modification or revocation under Condition G10, or 40 *CFR* 122.62, must report such plans, or such information, to Ecology so that a decision can be made on whether action to modify coverage or revoke coverage under this permit will be required. Ecology may then require submission of a new *application for coverage* under this, or another general permit, or an application for an individual permit. Submission of a new application does not relieve the Permittee of the duty to comply with all the terms and conditions of the existing permit until the new *application for coverage* has been approved and corresponding permit has been issued.

## **G12. TOXIC POLLUTANTS**

The Permittee must comply with effluent standards or prohibitions established under Section 307(a) of the *Clean Water Act* for toxic *pollutants* within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

## **G13. OTHER REQUIREMENTS OF 40 CFR**

All other requirements of 40 *CFR* 122.41 and 122.42 are incorporated in this general permit by reference.

## **G14. COMPLIANCE WITH OTHER LAWS AND STATUTES**

Nothing in this permit excuses the Permittee from compliance with any applicable Federal, State, or local statutes, ordinances, or regulations.

## **G15. ADDITIONAL MONITORING**

Ecology may establish additional specific monitoring requirements, including the installation of *groundwater* monitoring wells, by administrative order or permit modification.

## **G16. PAYMENT OF FEES**

The Permittee must submit payment of fees associated with this permit as assessed by Ecology. Ecology may revoke this permit or take enforcement, collection, or other actions, if the permit fees established under Chapter 173-224 WAC are not paid.

## **G17. REMOVED SUBSTANCES**

Collected screenings, grit, solids, sludges, filter backwash, or other *pollutants* removed in the course of treatment or control of *wastewaters* must not be resuspended or reintroduced to the final effluent stream for discharge to State waters.

## **G18. REQUESTS TO BE EXCLUDED FROM COVERAGE UNDER A GENERAL PERMIT**

Any *discharger* authorized by this permit may request to be excluded from coverage under this general permit by applying for an individual permit. The *discharger* must submit to the *Director* an application as described in WAC 173-220-040 or WAC 173-216-070,

whichever is applicable, with reasons supporting the request. The *Director* will either issue an individual permit or deny the request with a statement explaining the reason for the denial. When an individual permit is issued to a *discharger* otherwise subject to this general permit, the applicability of this general permit to that Permittee is automatically terminated on the effective date of the individual permit.

## G19. PERMIT TRANSFER

- A. Coverage under this permit is automatically transferred to a new owner or operator if:
  - 1. The Permittee notifies Ecology at least 30 days in advance of the proposed transfer date.
  - 2. The notice includes a written agreement between the existing and new Permittees containing a specific date transfer of permit responsibility, coverage, and liability between them.
  - 3. Ecology does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke coverage under this permit.
- B. Unless permit coverage is automatically transferred according to section A. above, this permit coverage may be transferred only if it is modified to identify the new Permittee and to incorporate such other requirements as determined necessary by Ecology.

## G20. DUTY TO REAPPLY

The Permittee must reapply for coverage under this permit, at least, one hundred and eighty (180) days prior to the specified expiration date of this permit. An expired permit continues in force and effect until a new permit is issued or until Ecology cancels it. Only those facilities which have reapplied for coverage under this permit are covered under the continued permit.

## G21. UPSET

Definition – “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of the following paragraph are met.

A Permittee who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that: 1) an upset occurred and that the Permittee can identify the cause(s) of the upset; 2) the permitted facility was being properly operated at the time of the upset; 3) the Permittee submitted notice of the upset as required in condition S6.E) the Permittee complied with any remedial measures required under G30 of this permit.

In any enforcement proceedings the Permittee seeking to establish the occurrence of an upset has the burden of proof.

## **G22. PENALTIES FOR VIOLATING PERMIT CONDITIONS**

Any person who is found guilty of willfully violating the terms and conditions of this permit is guilty of a crime, and upon conviction thereof may be punished by a fine of up to ten thousand dollars and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit incurs, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars for every such violation. Each and every such violation is a separate and distinct offense, and in case of a continuing violation, every day's continuance is a separate and distinct violation.

## **G23. APPEALS**

- A. The terms and conditions of this general permit, as they apply to the appropriate class of dischargers, are subject to appeal by any person within 30 days of issuance of this general permit, in accordance with Chapter 43.21B RCW, and Chapter 173-226 WAC.
- B. The terms and conditions of this general permit, as they apply to an individual discharger, are appealable in accordance with Chapter 43.21B RCW within 30 days of the effective date of coverage of that discharger. Consideration of an appeal of general permit coverage of an individual discharger is limited to the general permit's applicability or non-applicability to that individual discharger.
- C. The appeal of general permit coverage of an individual discharger does not affect any other dischargers covered under this general permit. If the terms and conditions of this general permit are found to be inapplicable to any individual discharger(s), the matter will be remanded to Ecology for consideration of issuance of an individual permit or permits.

## **G24. SEVERABILITY**

The provisions of this permit are severable, and if any provision of this general permit or application of any provision of this general permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this general permit, will not be affected thereby.

## **G25. PROPERTY RIGHTS**

This permit does not convey any property rights of any sort, or any exclusive privilege.

## **G26. DUTY TO COMPLY**

The Permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.



## **G27. PENALTIES FOR TAMPERING**

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit will, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this Condition, punishment will be a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four (4) years, or by both.

## **G28. REPORTING ANTICIPATED NON-COMPLIANCE**

The Permittee must give advance notice to Ecology by submission of a new application or supplement thereto at least one hundred and eighty (180) days prior to commencement of such discharges, of any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility or activity which may result in noncompliance with permit limits or conditions. Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, must be scheduled during non-critical water quality periods and carried out in a manner approved by Ecology.

## **G29. REPORTING OTHER INFORMATION**

Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to Ecology, such facts or information must be submitted promptly.

## **G30. DUTY TO MITIGATE**



The Permittee is required to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

## APPENDIX A — SIC AND NAICS NUMBERS AND DESCRIPTIONS FOR FACILITIES COVERED UNDER THIS PERMIT

Table 1. Standard Industrial Code and the corresponding North American Industry Classification System (NAICS) number.

<b>SIC number and description</b>	<b>Corresponding NAICS number and description (if different from SIC)</b>
0811 Timber Tracts (long term timber farms)	113110
1411 Dimension Stone	212311 Dimension Stone Mining and Quarrying
1422 Crushed and Broken Limestone	212312 Crushed and Broken Limestone Mining and Quarrying
1423 Crushed and Broken Granite	212313 Crushed and Broken Granite Mining and Quarrying
1429 Crushed and Broken Stone, Not Elsewhere Classified	212319 Other Crushed and Broken Stone Mining and Quarrying (in this permit includes crushing or recycle)
1442 Construction Sand and Gravel	212321 Construction Sand and Gravel Mining
1446 Industrial Sand	212322 Industrial Sand Mining
1455 Kaolin and Ball Clay	212324 Kaolin and Ball Clay Mining
1459 Clay, Ceramic, and Refractory Minerals, NEC	212325 Clay and Ceramic and Refractory Minerals Mining
1499 Miscellaneous Nonmetallic Minerals, Except Fuels (bituminous limestone and bituminous sandstone)	212319 Other Crushed and Broken Stone Mining and Quarrying
1499 Miscellaneous Nonmetallic Minerals, Except Fuels (except bituminous limestone and bituminous sandstone)	212399 All Other Nonmetallic Mineral Mining
2411 Logging	113310
2951 Asphalt Paving Mixtures and Blocks	324121 Asphalt Paving Mixture and Block Manufacturing
3273 Ready-Mixed Concrete	327320 Ready-Mix Concrete Manufacturing
3272 Concrete Products, Except Block and Brick (concrete pipe)	327332 Concrete Pipe Manufacturing
3272 Concrete Products, Except Block and Brick (concrete products, except dry mix concrete and pipe)	327390 Other Concrete Product Manufacturing (except pipe, brick, or block)
3272 Concrete Products, Except Block and Brick (dry mixture concrete)	327999 All Other Miscellaneous Nonmetallic Mineral Product Manufacturing including concrete recycling

1. The North American Industry Classification System (NAICS) is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy.

NAICS was developed under the auspices of the Office of Management and Budget (OMB), and adopted in 1997 to replace the Standard Industrial Classification (SIC) system. It was developed jointly by the U.S. Economic Classification Policy Committee (ECPC), Statistics Canada , and Mexico's Instituto Nacional de Estadística, Geografía e Informática , to allow for a high level of comparability in business statistics among the North American countries.

This official U.S. Government Web site <http://www.census.gov/eos/www/naics/> provides the latest information on plans for NAICS revisions, as well as access to various NAICS reference files and tools.

The official 2007 U.S. NAICS Manual, includes definitions for each industry, background information, tables showing changes between 2002 and 2007, and a comprehensive index. The official 2007 U.S. NAICS Manual is available in print and on CD\_ROM from the National Technical Information Service (NTIS) at (800) 553-6847 or (703) 605-6000, or through the NTIS Web site. Previous versions of the NAICS Manual are available.

The coverage provided in this general permit is limited to the specific facilities identified in Condition S1 and within the following *Standard Industrial Classification (SIC)* Codes, and the cited Subparts of 40 CFR Part 436, Mineral Mining and Processing *Point Source* Category or 40 CFR Part 443, Effluent Limitations Guidelines for Existing Sources and Standards of Performance and Pretreatment Standards for New Sources for The Paving and Roofing Materials (Tars and Asphalt) *Point Source* Category:

**SIC Code 811 Timber Tracts**

**SIC Code 2411 Logging**

Coverage for timber tracts and logging activities is limited to those mining activities associated with the forestry industry that classify as silvicultural *point source*. A silvicultural *point source* applies only to the production of materials for use in forest management. For this industry, covered activities are limited to rock crushing or gravel washing facilities that use a discernible, confined and discrete conveyance to discharge *pollutants* to *waters of the state*.

**SIC Code 1411 Dimension Stone**

**40 CFR Part 436 Subpart A--Dimension Stone Subcategory**

Coverage is provided for mining and quarrying of dimension stone, including rough blocks and slabs. The types of mines or quarries covered in this general permit are: basalt, diabase, diorite, dolomite, dolomitic marble, flagstone, gabbro, gneiss, granite, limestone, marble, quartzite, sandstone, serpentine, slate, and volcanic rock.

**SIC Code 1422 Crushed and Broken Limestone**

**SIC Code 1423 Crushed and Broken Granite**

**SIC Code 1429 Crushed and Broken Stone, Not Elsewhere Classified**

**40 CFR Part 436 Subpart B--Crushed Stone Subcategory**

Coverage is provided for mining, quarrying, and on-site processing of crushed and broken stone or riprap. The types of mines or quarries included in this category for this permit are: basalt, dolomite, dolomitic marble, granite, limestone, marble, quartzite sandstone, traprock, and volcanic rock. Processing means washing, screening, crushing, or otherwise preparing rock material for use.

**SIC Code 1442 Construction Sand and Gravel**

**40 CFR Part 436 Subpart C--Construction Sand and Gravel Subcategory**

Coverage is provided for mining and on-site processing of sand and gravel for construction or fill purposes. Processing means washing, screening, crushing, or otherwise preparing sand and gravel for construction uses.

**SIC Code 1446 Industrial Sand**

**40 CFR Part 436 Subpart D--Industrial Sand Subcategory**

Coverage is provided for mining and on-site processing of sand for uses other than construction, including but not limited to glassmaking, molding, filtration, refractories, refractory bonding, and abrasives. Processing employing a HF flotation method is not covered by this general permit.

**SIC Code 1499 Miscellaneous Nonmetallic Minerals, Except Fuels**

**40 CFR Part 436 Subpart H Lightweight Aggregates Subcategory**

Coverage is provided for mining, quarrying, and on-site processing of perlite, pumice, or vermiculite.

**SIC Code 1459 Clay, Ceramic, and Refractory Minerals, Not Elsewhere Classified**

**40 CFR Part 436 Subpart V--Bentonite Subcategory**

Coverage is provided for the mining and on-site processing of bentonite.

**SIC Code 1499 Miscellaneous Nonmetallic Minerals, Except Fuels**

**40 CFR Part 436 Subpart X--Diatomite Subcategory**

Coverage is provided for mining and on-site processing of diatomite or diatomaceous earth.

**SIC Code 1459 Clay, Ceramic, and Refractory Minerals, Not Elsewhere Classified**

**40 CFR Part 436 Subpart AD--Shale and Common Clay Subcategory**

Coverage is provided for the mining and on-site processing of clays and refractory minerals. Mines operated in conjunction with plants manufacturing cement, brick, or other structural clay products are included in this industry. Establishments engaged in grinding, pulverizing, or otherwise treating clay, ceramic and refractory minerals not in conjunction with mining or quarrying operations are not included in this general permit.

**SIC Code 1455 Kaolin and Ball Clay**

**40 CFR Part 436 Subpart AH--Ball Clay Subcategory**

Coverage is provided for the mining and on-site processing of kaolin, ball clay, china clay, paper clay, and slip clay.

**SIC Code 2951 Asphalt Paving Mixtures and Blocks**

**40 CFR Part 443 Subpart B--Asphalt Concrete Subcategory**

Coverage is provided for *hot mix asphalt plants*.

**SIC Code 3273 Ready-Mixed Concrete**

Coverage is provided for facilities engaged in manufacturing Portland concrete delivered to a purchaser in a plastic and unhardened state. This includes production and sale of central-mixed concrete and portable ready-mixed concrete.

## APPENDIX B — DEFINITIONS

These definitions are for terms that are used, or relate, to this permit. In other sections of the permit, defined terms appear in italics.

Active Site means a location where current mining (including *site* preparation and reclamation) or processing operations (including, but not limited to, crushing, classifying, or operating a concrete or hot mix asphalt plant) or stockpiles associated with current mining or processing operations, are located. Also see definitions for *Inactive Site* and *Closed Site*.

AKART is an acronym for “all known, available, and reasonable methods of prevention, control, and treatment.” *AKART* represents the most current methodology that can be reasonably required for preventing, controlling, or abating the *pollutants* and controlling *pollution* associated with a discharge.

Applicable TMDL means a TMDL for turbidity, fine sediment or high pH which was completed and approved by EPA prior to the later effective date of this permit, or modification, or the date the operator’s complete application is received by Ecology.

Average monthly effluent limit means the highest allowable average of daily discharges over a calendar month. To calculate the discharge value to compare to the limit, you add the value of each daily discharge measured during a calendar month and divide this sum by the total number of daily discharges measured.

Average quarterly effluent limit means the highest allowable average of daily discharges over a quarter (3 months). To calculate the discharge value to compare to the limit, add the value of each daily discharge measured during a quarter and divide this sum by the total number of daily discharges measured.

Best Management Practices (BMPs - general definition) means schedules of activities, prohibitions of practices, maintenance procedures, and other physical, structural and/or managerial practices to prevent or reduce the *pollution of waters of the state*. *BMPs* include treatment systems, operating procedures, and practices used to control plant *site* runoff, spillage or leaks, sludge or waste disposal, and drainage from raw material storage. In this permit *BMPs* are further categorized as operational, source control, *erosion* and *sediment* control, and treatment.

Bypass means the diversion of waste streams from any portion of a treatment facility.

Capital BMPs means the following improvements that will require capital expenditures:

1. *Treatment BMPs*, including but not limited to: biofiltration systems including *constructed wetlands*, settling basins, oil separation equipment, impoundments, and detention and retention basins.
2. Manufacturing modifications, including process changes for source reduction, if capital expenditures for such modifications are incurred.
3. Concrete pads and dikes and appropriate pumping for collection of *stormwater*, *process water* or *mine dewatering water* and transfer to control systems from manufacturing areas such as loading, unloading, outside processing, fueling and storage of chemicals and equipment and wastes.

4. Roofs and appropriate covers for storage and handling areas.

Clean Water Act (CWA) means the Federal Water Pollution Control Act enacted by Public Law 92-500, as amended by Public Laws 95-217, 95-576, 96-483, and 97-117; USC 1251 et seq.

Closed Site means a location where all activities associated with permit coverage have been terminated with no intent to return to operation in the future. Also see definitions for *Inactive Site* and *Active Site*.

Constructed Wetland means wetlands intentionally created for the primary purpose of wastewater or stormwater treatment and managed as such. *Constructed wetlands* are normally considered as part of the stormwater collection and treatment system. Wetlands constructed for treatment of stormwater are not be eligible for use as compensatory mitigation for authorized impacts to regulated wetland systems.

Critical Flows means the lowest receiving water flows at the time wastewater discharges occur. For process wastewater discharges which discharge from the site throughout the year, this is typically midsummer flow. For stormwater discharges this is the receiving water flow when significant stormwater begins to discharge from the site, typically early fall.

Current EPA-approved 303(d) list means the list which is in effect on the effective date of this permit, or the 303(d) list which is in effect at the date the Permittee's first application for coverage is received by Ecology, whichever is later.

Design Storm means the precipitation event that is used to design stormwater facilities, e.g. 10-year, 24-hour storm event. Refer to Ecology's *Stormwater Management Manual* for specific information on requirements for determining design storm volume and flow rate appropriate for designing stormwater treatment systems.

Design Storm Volume means the volume of runoff predicted to occur from a specified storm event. The storm event includes a time interval (e.g. 24-hours) and frequency (e.g. 10-year). Volume-based treatment BMPs use the design storm volume as their design basis. Refer to the Ecology *Stormwater Management Manual* for storm event and additional information.

Director means the Director of the Washington Department of Ecology or his/her authorized representative.

Discharge to Groundwater means the discharge of water into an unlined impoundment or onto the surface of the ground that allows the discharged water to percolate, or potentially percolate, to groundwater. Discharge to groundwater, discharge to land, and discharge to ground all have the same meaning.

Discharger means an owner or operator of any facility or activity subject to regulation under Chapter 90.48 RCW or the Federal *Clean Water Act*.

Disturbed Area means any area where activity has physically disrupted, compacted, moved, or otherwise altered the characteristics of soil, bedrock, vegetation, or existing topography. This includes activity in preparation for: a) surface mining, b) the construction of structures or, c) mobilization of processing equipment. Stormwater discharge from disturbed areas is considered Type 2 Stormwater.

Equivalent stormwater management documents means manuals of BMPs approved by Ecology and subject to public review and comment.

Erosion means the wearing away of the land surface by precipitation, running water, ice, wind or other geological agents, including processes such as gravitational creep. *Erosion* also means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

Erosion and Sediment Control BMPs means BMPs intended to prevent *erosion* and *sedimentation*, such as preserving natural vegetation, seeding, mulching and matting, plastic covering, filter fences, and *sediment* traps and ponds. *Erosion and sediment control BMPs* are synonymous with *stabilization* and structural BMPs.

Erosion and Sediment Control Plan (ESCP) means a document that describes the potential for *erosion* and *sedimentation* problems and explains and illustrates the measures to be taken to control those problems.

Existing Facility means a facility that begins activities that result in a discharge, or a potential discharge to *waters of the state*, prior to the effective date of the general permit.

Final Stabilization means completion of all soil disturbing activities at the *site* and establishment of a permanent vegetative cover, or installation of equivalent permanent *stabilization* measures (such as riprap, gabions or geotextiles) that will prevent *erosion*.

40 CFR means Title 40 of the Code of Federal Regulations, which is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal government.

gpm means gallons per minute; the volume of fluid passing a point during a one minute interval.

Groundwater means water in a saturated zone or stratum beneath the land surface or a surface water body.

Groundwater Discharges: If water puddles/collects and discharges to ground at multiple locations on *site*, it is unlikely that all locations must be sampled. Consider the source of the water. If all the water is coming from a gravel stockpile area it is likely that just one sampling point is required. However, if some discharge points receive runoff from a gravel stockpile area and others *receiving water* from a concrete batch area, two sample points are probably necessary.

Hot Mix Asphalt Plant means a plant that blends together aggregate and asphalt cement to produce a hot, homogeneous asphalt paving mixture. The term includes batch plants, continuous mix plants, and drum mix plants.

Inactive Site means a location where 1) previous mining or processing operations (including, but not limited to, crushing, classifying, or operating a concrete or hot mix asphalt plant) has occurred; and has not been closed and restored; and 2) has no current mining or processing operations but may include stockpiles of raw materials or finished products; and 3) the Permittee has submitted an Operating Status Change Form (ECY 070-33) declaring the *site* inactive. The Permittee may add or withdraw raw materials or finished products from the stockpiles for transportation off *site* for processing, use, or sale and still be considered an *inactive site*, however monitoring may be required. Also see definitions for *Active Site* and *Closed Site*.

Inert means nonreactive, nondangerous solid materials that are likely to retain their physical and chemical structure under expected conditions of use or disposal.

Leachate means water or other liquid that has percolated through raw material, product, or waste and contains substances in solution or suspension as a result of the contact with these materials.

Local Government means any county, city, or town having its own government for local affairs.

Major Modification of Coverage means a change of operation at a facility that is not a Minor Modification. Public notice is required for this modification.

Maximum daily effluent limit means the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day. For pollutants with limits expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For other units of measurement, the daily discharge is the average measurement of the pollutant over the day. This does not apply to pH.

Mine Dewatering Water means any water that is impounded or that collects in the mine and is pumped, drained, or otherwise removed from the mine through the efforts of the mine operator. This term must also include wet pit overflows caused solely by direct rainfall and *groundwater* seepage. However, if a mine is used for treatment of process generated waste water, discharges of commingled water from the mine must be deemed discharges of process generated water.

Minor Modification of Coverage means a change of operation at a facility that does not substantially change the volume or nature of pollutants. No public notice or new Application for Coverage is required for this modification.

Monitoring Benchmark means a *pollutant* concentration used as a permit threshold, below which a pollutant is considered unlikely to cause a water quality violation. When pollutant concentrations exceed benchmarks, corrective action is required. Benchmark values are not *water quality standards* and are not numeric effluent limitations; they are indicator values

Municipality means a political unit such as a city, town, or county, incorporated for local self-government.

NAICS – see Appendix A

National Pollutant Discharge Elimination System (NPDES) means the national program for issuing, modifying, revoking, and reissuing, terminating, monitoring, and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the *Federal Clean Water Act*, for the discharge of *pollutants* to *surface waters of the state* from *point sources*. These permits are referred to as NPDES permits and, in Washington State, are administered by the Washington Department of Ecology.

Natural Conditions means *surface water quality* that was present before any human-caused *pollution*. When estimating *natural conditions* in the headwaters of a disturbed watershed it may be necessary to use the less disturbed conditions of a neighboring or similar watershed as a reference condition.

New Facility means a facility which begins activities that result in a discharge, or a potential discharge to *waters of the state*, on or after the effective date of this general permit.

Non-delegated POTW means a POTW which has not been delegated to issue permits for industrial dischargers to its system. Ecology is the permitting authority for non-delegated POTWs.

NTU means Nephelometric Turbidity Units, a measure of *turbidity*.

pH -- The *pH* of a liquid measures its acidity or alkalinity. A *pH* of 7 is defined as neutral and large variations above or below this value are harmful to most aquatic life.



Point Source means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, and container from which *pollutants* are or may be discharged to *waters of the state*. This term does not include return flows from irrigated agriculture.

Pollutant means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste. This term does not include sewage from vessels within the meaning of section 312 of the FWPCA, nor does it include dredged or fill material discharged in accordance with a permit issued under section 404 of the FWPCA.

Pollution means contamination or other alteration of the physical, chemical, or biological properties of *waters of the state*, including change in temperature, taste, color, *turbidity*, or odor of the waters; or such discharge of any liquid, gaseous, solid, radioactive or other substance into any *waters of the state* as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.

POTW means publically-owned treatment works. This is a sewage treatment plant and the collection system (40 CFR 122.2).

Process Water means any water that is used for or results from the production, clean-up, or use of any raw material, intermediate product, finished product, byproduct, or waste product. The term also means any waste water used in or results from the slurry transport of mined material, air emissions control, or processing exclusive of mining. Also, see definitions for *Type 1, 2, and 3 Stormwater*.

Receiving Water means the waterbody at the point of discharge. If the discharge is to a *stormwater* conveyance system, either surface or subsurface, the *receiving water* is the waterbody that the *stormwater* conveyance system discharges to. Systems designed primarily for other purposes such as for groundwater drainage, redirecting stream natural flows, or for conveyance of irrigation water/return flows that coincidentally convey *stormwater* are considered the *receiving water*.

Representative Sampling means collecting an array of samples to accurately represent the nature of the discharge for parameters of concern. Many factors contribute to variability of *pollutants* in a discharge including quantity of water, time and date of sampling, and physical events and location of discharge.

Sanitary Sewer means a sewer designed to convey domestic *wastewater*.

Sediment means the fragmented material that originates from the weathering and *erosion* of rocks or unconsolidated deposits and is transported by, suspended in, or deposited by water.

Sedimentation means the depositing or formation of *sediment*.

SEPA (State Environmental Policy Act) means the Washington State Law, RCW 43.21C.020, intended to prevent or eliminate damage to the environment.

Severe property damage means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of

natural resources which can reasonably be expected to occur in the absence of a *bypass*.

Significant Process Change means a change in the nature of discharge with respect to increased volume and type or concentrations of pollutants. Examples include adding a batch plant at a site, etc/

Significant Amounts means those amounts of *pollutants* that are amenable to treatment or prevention or that have the potential to cause or contribute to a violation of standards for surface or *groundwater quality* or *sediment* management.

Significant Materials includes, but is not limited to: raw materials; fuels; materials such as solvents and detergents; hazardous substances designated under section 101(14) of CERCLA; any chemical the facility is required to report pursuant to section 313 of title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag, and sludge that have the potential to be released with *stormwater* or *process water* discharges.

Silvicultural Point Sources are timber tract and logging activities (SIC codes 0811 and 2411) that produce mined materials for use in forest management. Additionally, *silvicultural point source* activities are limited to rock crushing or gravel washing operations that use a discernible, confined and discrete conveyance to discharge *pollutants* to *surface waters of the state*.

Site means the land or water area where any “facility or activity” is physically located or conducted.

Source Control BMPs means physical, structural, or mechanical devices or facilities intended to prevent *pollutants* from entering *stormwater*. A few examples of *source control BMPs* are *erosion* control practices, maintenance of *stormwater* facilities, construction of roofs over storage and working areas, and direction of wash water and similar discharges to the *sanitary sewer* or a dead end sump.

Stabilization means the application of appropriate BMPs to prevent the *erosion* of soils, such as temporary and permanent seeding, vegetative covers, mulching and matting, plastic covering, and sodding. See also the definition of *Erosion and Sediment Control BMPs*.

Standard Industrial Classification (SIC) is the statistical classification standard underlying all establishment-based federal economic statistics classified by industry as reported in the 1987 SIC Manual by the Office of Management and Budget.

Storm Sewer means a sewer that is designed to carry *stormwater*. Also called a storm drain.

Stormwater means rainfall and snowmelt runoff.

Stormwater Drainage System means constructed and natural features that function together as a system to collect, convey, channel, hold, inhibit, retain, detain, infiltrate, or divert *stormwater*.

Stormwater Management Manual (SWMM) means the technical manual prepared by Ecology for use by *local governments* that contains BMPs to prevent, control, or treat *pollution* in *stormwater*.

Stormwater Pollution Prevention Plan (SWPPP) means a documented plan to implement measures to identify, prevent, and control the contamination of *point source* discharges of *stormwater*.

Substantial Change (Requiring a new application for coverage) - Substantial change of

discharge for this industry group will be any modification of the facility that would change the characteristics of the discharge or include for coverage a new activity (SIC) that was not previously covered.

Surface Water Discharges: For all parameters required by this permit, a grab sample of instantaneous measurement will be considered representative. *Stormwater* sampling should occur within 24 hours of the initial discharge from a significant precipitation event (e.g. 0.25 inch/24 hr. precipitation event). *Process water* or *mine dewatering water* sampling should be timed to occur when the facility is operating at full capacity.

Surface Waters of the State includes lakes, rivers, ponds, streams, wetlands, inland waters, salt waters, and all other surface waters and water courses within the jurisdiction of the state of Washington.

10-year, 24-hour precipitation event means the maximum 24 hour precipitation event with a probable reoccurrence interval of once in 10 years.

Total Daily Maximum Load (TMDL) means a calculation of the maximum amount of a *pollutant* that a waterbody can receive and still meet State *water quality* standards. Percentages of the total maximum daily load are allocated to the various *pollutant* sources. A TMDL is the sum of the allowable loads of a single *pollutant* from all contributing point and nonpoint sources. The TMDL calculations must include a "margin of safety" to ensure that the waterbody can be protected in case there are unforeseen events or unknown sources of the *pollutant*. The calculation must also account for seasonable variation in *water quality*. A TMDL is effective after EPA approval. TMDL as used in this permit includes alternative "direct to implementation plans".

Total Dissolved Solids (TDS) means those solids that are capable of passing through a glass fiber filter (1.0 – 1.5  $\mu$ m) and dried to a constant weight at 180 degrees centigrade.

Total Suspended Solids (TSS) is the particulate material in an effluent that does not pass through a glass fiber filter. Large quantities of TSS discharged to a *receiving water* may result in solids accumulation. Apart from any toxic effects attributable to substances leached out by water, suspended solids may kill fish, shellfish, and other aquatic organisms by causing abrasive injuries and by clogging the gills and respiratory passages of various aquatic fauna. Indirectly, suspended solids can screen out light and can promote and maintain the development of noxious conditions through oxygen depletion.

Treatment BMPs means BMPs intended to remove *pollutants* from *stormwater*. A few examples of *treatment BMPs* are detention ponds, oil/water separators, biofiltration, and *constructed wetlands*.

Turbidity means the clarity of water as expressed by *nephelometric turbidity units (NTU)* and measured with a calibrated turbidimeter.

Type 1 Stormwater means *stormwater* from portions of a *site* where no industrial activities have occurred or from a *site* or area within a *site* that has been reclaimed and the reclamation bond portion thereof (if any) has been released.

Type 2 Stormwater means *stormwater* from: 1) portions of a *site* where mining has temporarily or permanently ceased; or 2) from portions of a *site* with exposed soils in areas cleared in preparation for mining or other industrial activity. When different types of *stormwater*

commingle the water becomes the highest of the types which have commingled (i.e. when Type 1 and Type 2 stormwater commingle the stormwater becomes Type 2).

Type 3 Stormwater means *stormwater* discharges from:

1. Industrial plant yards;
2. Immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility;
3. Material handling *sites*;
4. *Sites* used for the storage and maintenance of material handling equipment;
5. *Sites* used for residual treatment, storage, or disposal;
6. Shipping and receiving areas;
7. Storage areas for raw materials or intermediate and finished products at *active sites*; and
8. Areas where industrial activity has taken place in the past and *significant materials* remain and are exposed to *stormwater*.

USEPA means the United States Environmental Protection Agency.

Wasteload Allocation (WLA) means the portion of a *receiving water's* loading capacity that is allocated to one of its existing or future *point sources of pollution*. WLAs constitute a type of *water quality* based effluent limitation (40 CFR 130.2(h)).

Wastewater means water or liquid carried waste from industrial or commercial processes. These wastes may result from any process or activity of industry, manufacture, trade or business, or from the development of any natural resource. The term includes contaminated *stormwater*.

Water Quality means the chemical, physical, and biological characteristics of water, normally with respect to its suitability for a particular purpose.

Waters of the State includes those waters as defined as "waters of the United States" in 40 CFR Subpart 122.2 within the geographic boundaries of Washington State and "*waters of the state*" as defined in Chapter 90.48 RCW. This includes *groundwater*, lakes, rivers, ponds, streams, wetlands, inland waters, salt waters and all other surface waters and water courses within the jurisdiction of the State of Washington.

Wellhead Protection Area (WHPA) means the portion of a well's, well field's, or spring's zone of contribution defined as such using WHPA criteria established by the Washington Department of Health.



REPLY TO  
ATTENTION OF

E.2

DEPARTMENT OF THE ARMY  
SEATTLE DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 3755  
SEATTLE, WASHINGTON 98124-3755

Regulatory Branch

FEB 18 2015

Mr. Dave Ziegler  
Washington State Department of Transportation  
PO Box 1928  
Aberdeen, Washington 98520

Reference: NWS-2008-151  
WA St Dept of Transportation

Dear Mr. Ziegler:

We have received your request to modify the approved plans for the above-referenced Department of the Army permit and extend the time limit for completing the authorized work. The original plans dated December 8, 2010, were to construct a pontoon casting basin and storage area and the supplemental plans dated October 24, 2011, were to conduct maintenance dredging and in-water disposal up to 25,000 cubic yards twice a year in wetlands, ditches, and Grays Harbor at Aberdeen, Washington. The modification consists of installing a gate barrier and increasing the size of rock in a splash pad. Your request for a permit modification is approved. Enclosed are the approved modified plans dated February 6, 2015, which supersede plans authorized by the Secretary of the Army on February 16, 2011. The original time limit for completing the authorized work is scheduled to expire on February 28, 2015. You do not have authorization to work beyond February 28, 2015. If you determine additional time is needed to complete the authorized work, you will need to request a modification of the permit to extend the permitted time limit and have approval from the National Marine Fisheries Service and U.S. Fish and Wildlife Service for the time extension.

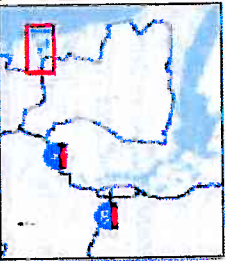
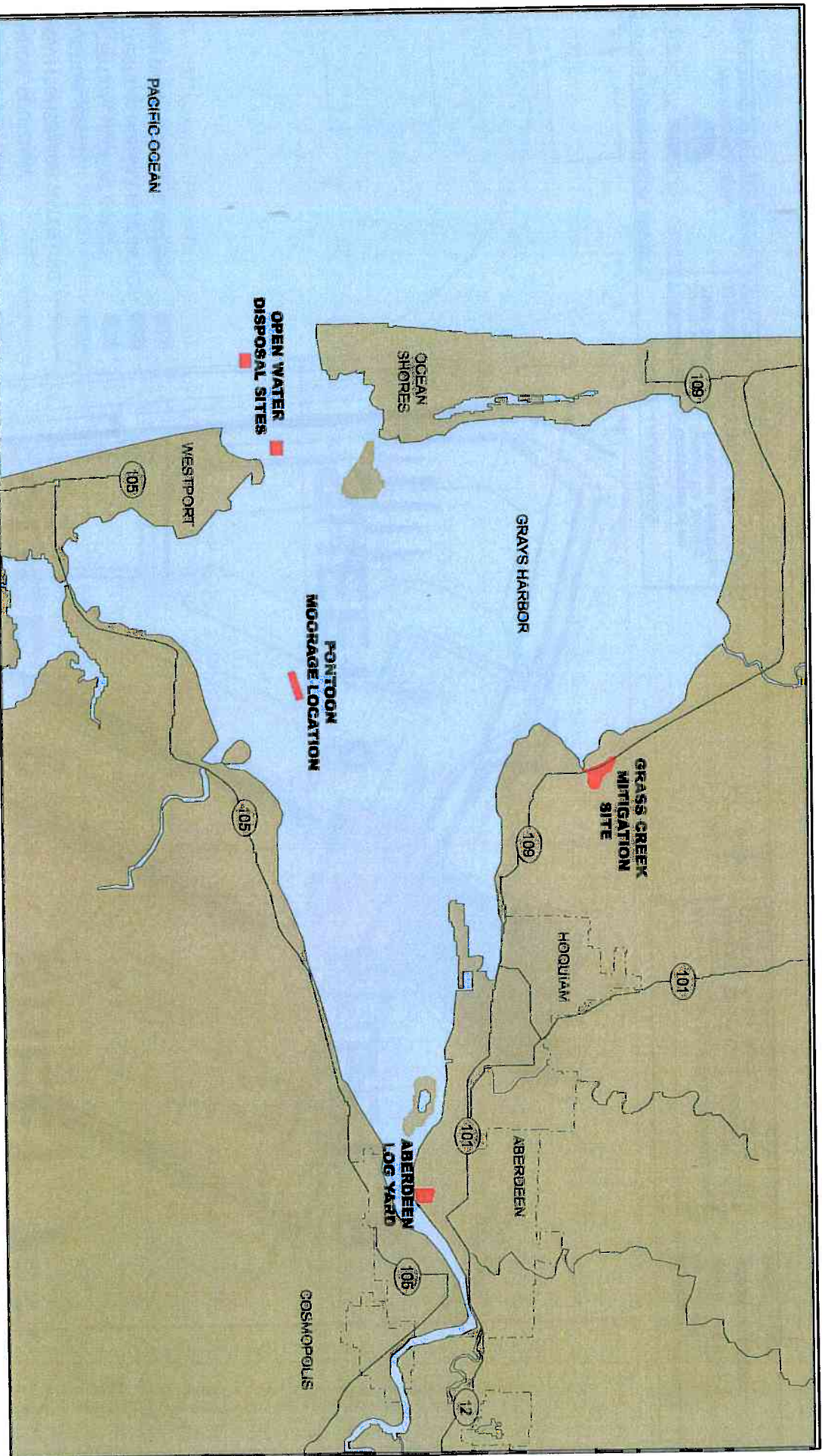
All other terms and conditions contained in the original permit remain in full force and effect. If you have any questions, please contact Ms. Rebecca McAndrew at (206) 764-6912 or at [rebecca.e.mcandrew@usace.army.mil](mailto:rebecca.e.mcandrew@usace.army.mil).

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

for John G. Buck  
Colonel, Corps of Engineers  
District Engineer

Enclosure





PONTON CONSTRUCTION PROJECT

# PERMIT DRAWINGS

**PURPOSE:** Expedite Construction of the Pontons Needed to Replace the Evergreen Point Bridge in Case of Catastrophic Failure

**REFERENCE:** NWS 2008 - 151

**APPLICANT:** WSDOT



Washington State  
Department of Transportation



**IN:** Grays Harbor and Adjacent Wetlands and Ditches

**NEAR/AT:** Grays Harbor Aberdeen

**COUNTY:** Grays Harbor

**STATE:** WA

**DATE:** February 6, 2015

**MHHW = 8.2' (NOS)**

**VERTICAL DATUM:** MLLW

**SHEET 1 of 26**



# LEGEND

- STORM SEWER
- FORCE MAIN
- UNDERDRAIN
- NEW DRAIN
- PERMANENT IMPACT LINE
- FENCE
- NEW DITCH BOTTOM
- PERMANENT WETLAND IMPACT
- TEMPORARY WETLAND IMPACT
- SITE BOUNDARY
- EXISTING WETLAND
- DIRECTIONAL FLOW OF WATER
- PARCEL BOUNDARY
- MEAN HIGHER HIGH WATER LINE
- SUBTIDAL IMPACT
- INTERTIDAL MUDFLAT IMPACT
- INTERTIDAL NON-MUDFLAT IMPACT
- NEW WATER BODY, U.S. WATERS



PONTON CONSTRUCTION PROJECT

## PERMIT DRAWINGS



Washington State  
Department of Transportation

**PURPOSE:** Expedite Construction of the  
Portions Needed to Replace the Existing  
Traffic Capacity of the Evergreen Point Bridge  
**REFERENCE:** NWS 2008 - 151  
**APPLICANT:** WSDOT



**IN:** Grays Harbor and Adjacent Wetlands and  
Ditches  
**NEARBY:** Grays Harbor, Aberdeen  
**COUNTY:** Grays Harbor  
**STATE:** WA  
**DATE:** February 6, 2015



**MHHW = 8.2' (NOS)**  
**VERTICAL DATUM:**  
MLLW  
SHEET 2 of 26

	Sum of Acres	
	Wetland Impacts	Permanent Temporary
Estuarine	0.07	0.01
W11	0.02	
W16	0.01	0.01
W6	0.09	
Freshwater	0.83	0.20
W15	0.40	
W17	0.02	0.01
W12	0.36	0.01
W9a	0.01	0.18
W9b	0.04	
Grand Total	0.90	0.21

## IMPACTS TABLE

## **PONTOON CONSTRUCTION PROJECT**



**Washington State  
Department of Transportation**

# PERMIT DRAWINGS

**PURPOSE:** Expedite Construction of the  
Pontons Needed to Replace the Existing  
Traffic Capacity of the Evergreen Point Bridge

**REFERENCE:** NWS 2008 - 151

**APPLICANT:** WSDOT



### IN: Grays Harbor and Adjacent Wetlands and

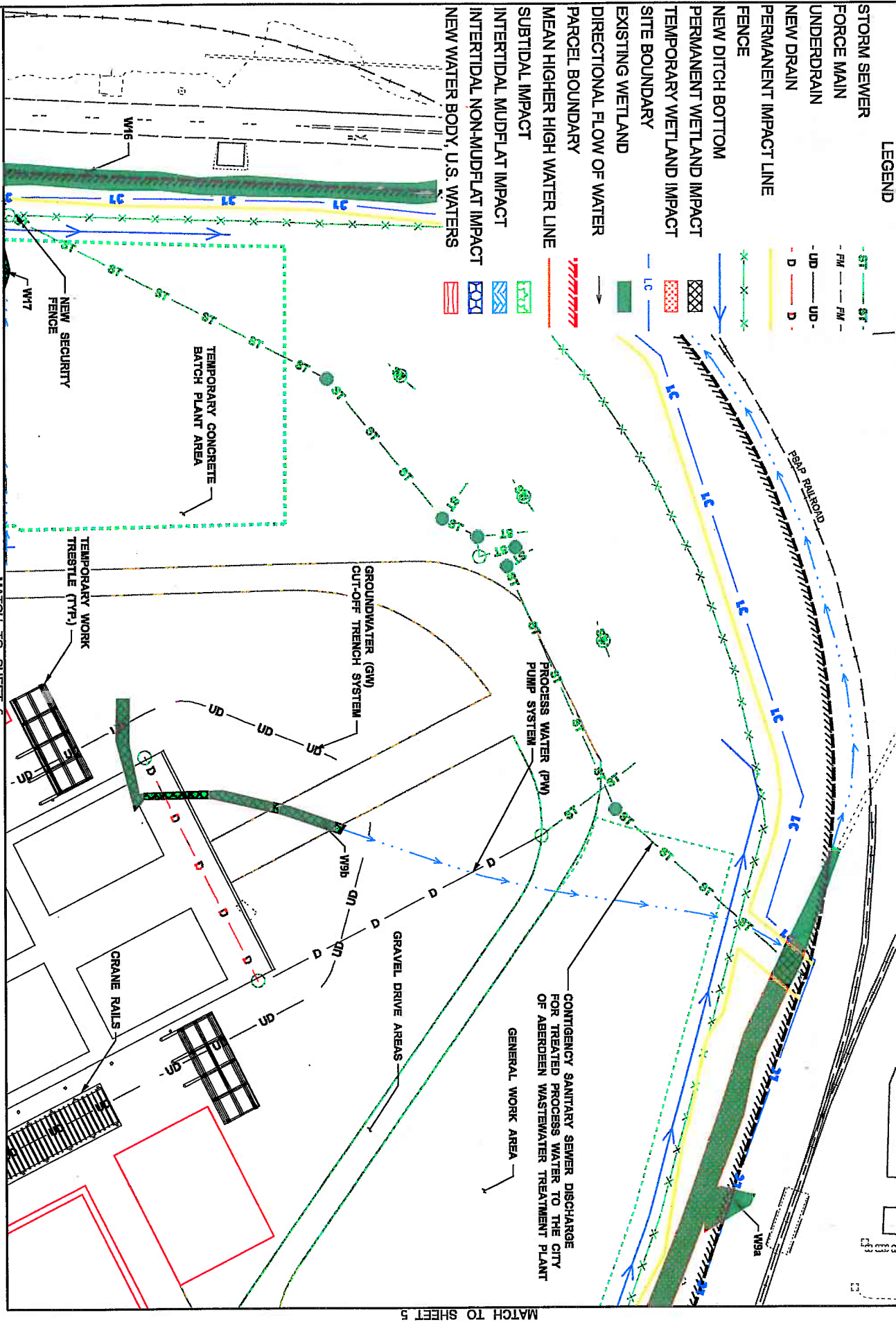
**NEAR/RAT:** Grays Harbor, Aberdeen  
**COUNTY:** Grays Harbor **STATE:** WA  
**DATE:** February 6, 2015

**MHHW = 8.2' (NOS)**  
**VERTICAL DATUM:**  
**MLLW**  
**SHEET 3 of 26**



# LEGEND

- STORM SEWER - ST -
- FORCE MAIN - FM -
- UNDERDRAIN - UD -
- NEW DRAIN - D -
- PERMANENT IMPACT LINE - D -
- FENCE - X -
- NEW DITCH BOTTOM - LC -
- PERMANENT WETLAND IMPACT - X -
- TEMPORARY WETLAND IMPACT - X -
- SITE BOUNDARY - LC -
- EXISTING WETLAND - X -
- DIRECTIONAL FLOW OF WATER -
- PARCEL BOUNDARY -
- MEAN HIGHER HIGH WATER LINE -
- SUBTIDAL IMPACT -
- INTERTIDAL MUDFLAT IMPACT -
- INTERTIDAL NON-MUDFLAT IMPACT -
- NEW WATER BODY, U.S. WATERS -



## PONTON CONSTRUCTION PROJECT

## PERMIT DRAWINGS

Washington State  
Department of Transportation



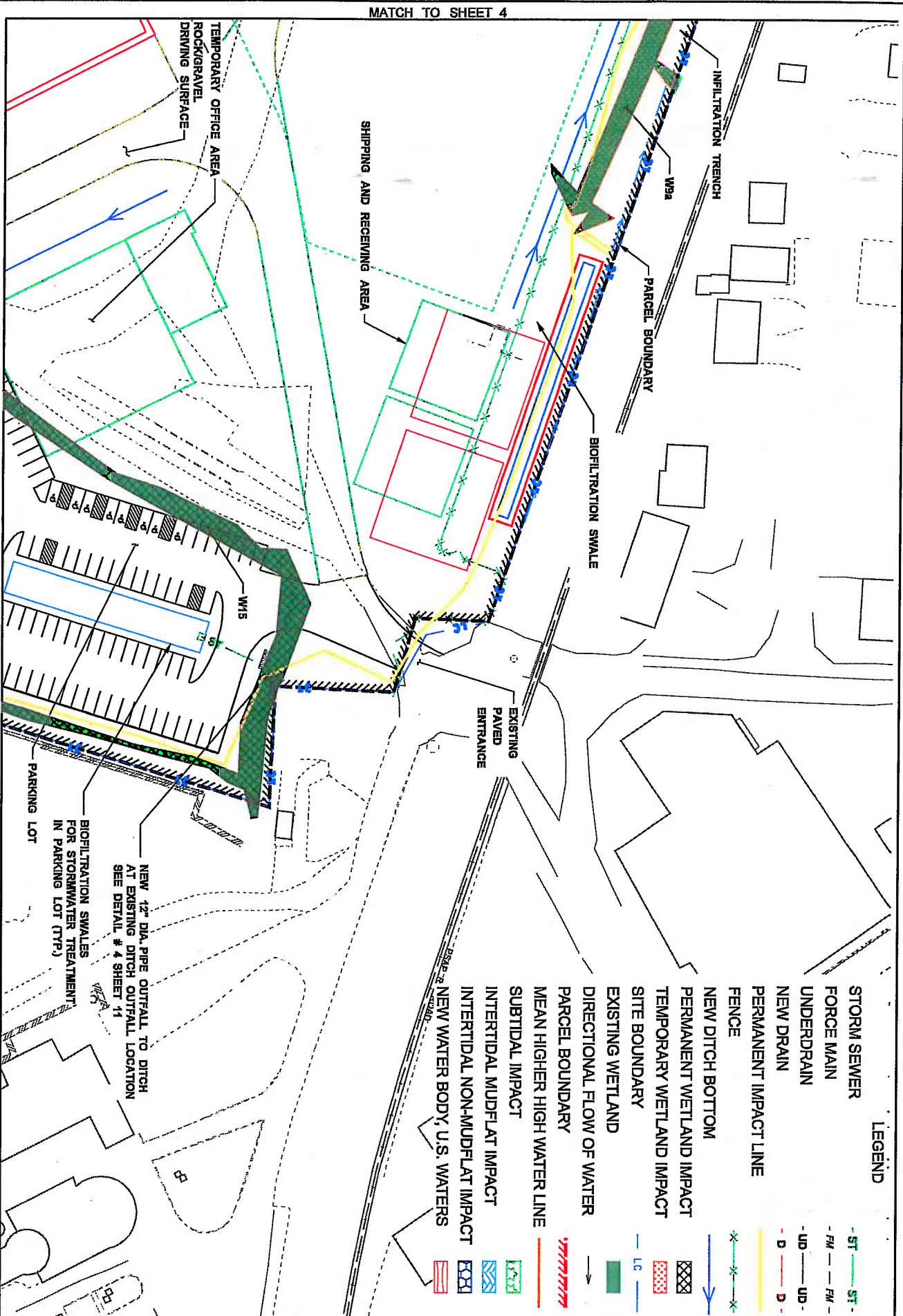
PURPOSE: Expedite Construction of the  
Pontons Needed to Replace the Existing  
Traffic Capacity of the Evergreen Point Bridge  
REFERENCE: NWS 2008 - 151  
APPLICANT: WSDOT



IN: Grays Harbor and Adjacent Wetlands and  
Ditches  
NEARBY: Grays Harbor, Aberdeen  
COUNTY: Grays Harbor  
STATE: WA  
DATE: February 6, 2015

0 50 100  
Feet

MHHW = 8.2' (NOS)  
VERTICAL DATUM:  
MLLV  
SHEET 4 of 26



MATCH TO SHEET 4

PONTON CONSTRUCTION PROJECT

PERMIT DRAWINGS



Washington State  
Department of Transportation

**PURPOSE:** Expedite Construction of the Pontoon Needed to Replace the Existing Traffic Capacity of the Evergreen Point Bridge  
**REFERENCE:** NWS 2008 - 151  
**APPLICANT:** WSDOT

LEGEND

- ST - ST
- FM - FM
- UD - UD
- D - D
- PERMANENT IMPACT LINE
- FENCE
- NEW DITCH BOTTOM
- PERMANENT WETLAND IMPACT
- TEMPORARY WETLAND IMPACT
- SITE BOUNDARY
- EXISTING WETLAND
- DIRECTIONAL FLOW OF WATER
- PARCEL BOUNDARY
- MEAN HIGHER HIGH WATER LINE
- SUBTIDAL IMPACT
- INTERTIDAL MUDFLAT IMPACT
- INTERTIDAL NON-MUDFLAT IMPACT
- NEW WATER BODY, U.S. WATERS

MATCH TO SHEET 7



IN: Grays Harbor and Adjacent Wetlands and Ditches  
NEARBY: Grays Harbor, Aberdeen  
COUNTY: Grays Harbor  
STATE: WA  
DATE: February 6, 2015



MHHW = 8.2' (NOS)  
VERTICAL DATUM:  
MLLV  
SHEET 5 of 26

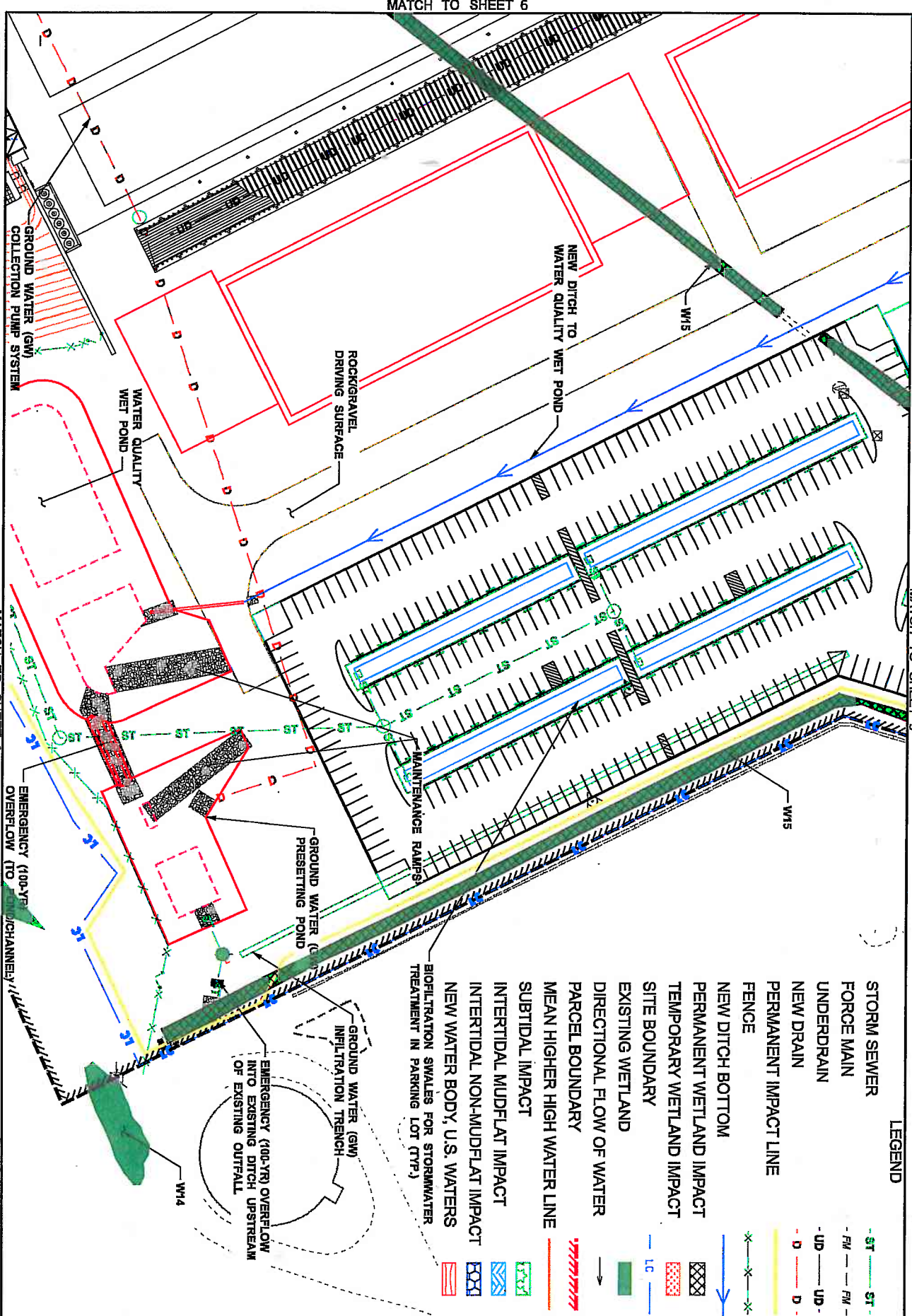




MATCH TO SHEET 5

LEGEND

- STORM SEWER
- FORCE MAIN
- UNDERDRAIN
- NEW DRAIN
- PERMANENT IMPACT LINE
- FENCE
- NEW DITCH BOTTOM
- PERMANENT WETLAND IMPACT
- TEMPORARY WETLAND IMPACT
- SITE BOUNDARY
- EXISTING WETLAND
- DIRECTIONAL FLOW OF WATER
- PARCEL BOUNDARY
- MEAN HIGHER HIGH WATER LINE
- SUBTIDAL IMPACT
- INTERTIDAL MUDFLAT IMPACT
- INTERTIDAL NON-MUDFLAT IMPACT
- NEW WATER BODY, U.S. WATERS
- BIOFILTRATION SWALES FOR STORMWATER TREATMENT IN PARKING LOT (TYP.)



PERMIT DRAWINGS

PONTON CONSTRUCTION PROJECT

Washington State  
Department of Transportation

PURPOSE: Expedite Construction of the Pontons Needed to Replace the Existing Traffic Capacity of the Evergreen Point Bridge

REFERENCE: NWS 2008 - 151

APPLICANT: WSDOT

IN: Grays Harbor and Adjacent Wetlands and Ditches

NEARBY: Grays Harbor, Aberdeen

COUNTY: Grays Harbor

STATE: WA

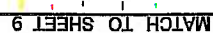
DATE: February 6, 2015

0 50 100 Feet

MHHW = 8.2' (NOS)

VERTICAL DATUM: MLLW

SHEET 7 of 26



# PERMIT DRAWINGS

**PURPOSE:** Expedite Construction of the Pontons Needed to Replace the Existing Traffic Capacity of the Evergreen Point Bridge

**REFERENCE:** NWS 2008 - 151

**APPLICANT:** WSDOT

**MHHW = 8.2' (NOS)**  
**VERTICAL DATUM:**  
**MLLV**  
**SHEET 8 of 26**



Washington State  
Department of Transportation

**PONTON CONSTRUCTION PROJECT**

**PERMIT DRAWINGS**

**PURPOSE:** Expedite Construction of the Pontons Needed to Replace the Existing Traffic Capacity of the Evergreen Point Bridge

**REFERENCE:** NWS 2008 - 151

**APPLICANT:** WSDOT

IN: Grays Harbor and Adjacent Wetlands and Ditches

NEARBY: Grays Harbor, Aberdeen

COUNTY: Grays Harbor

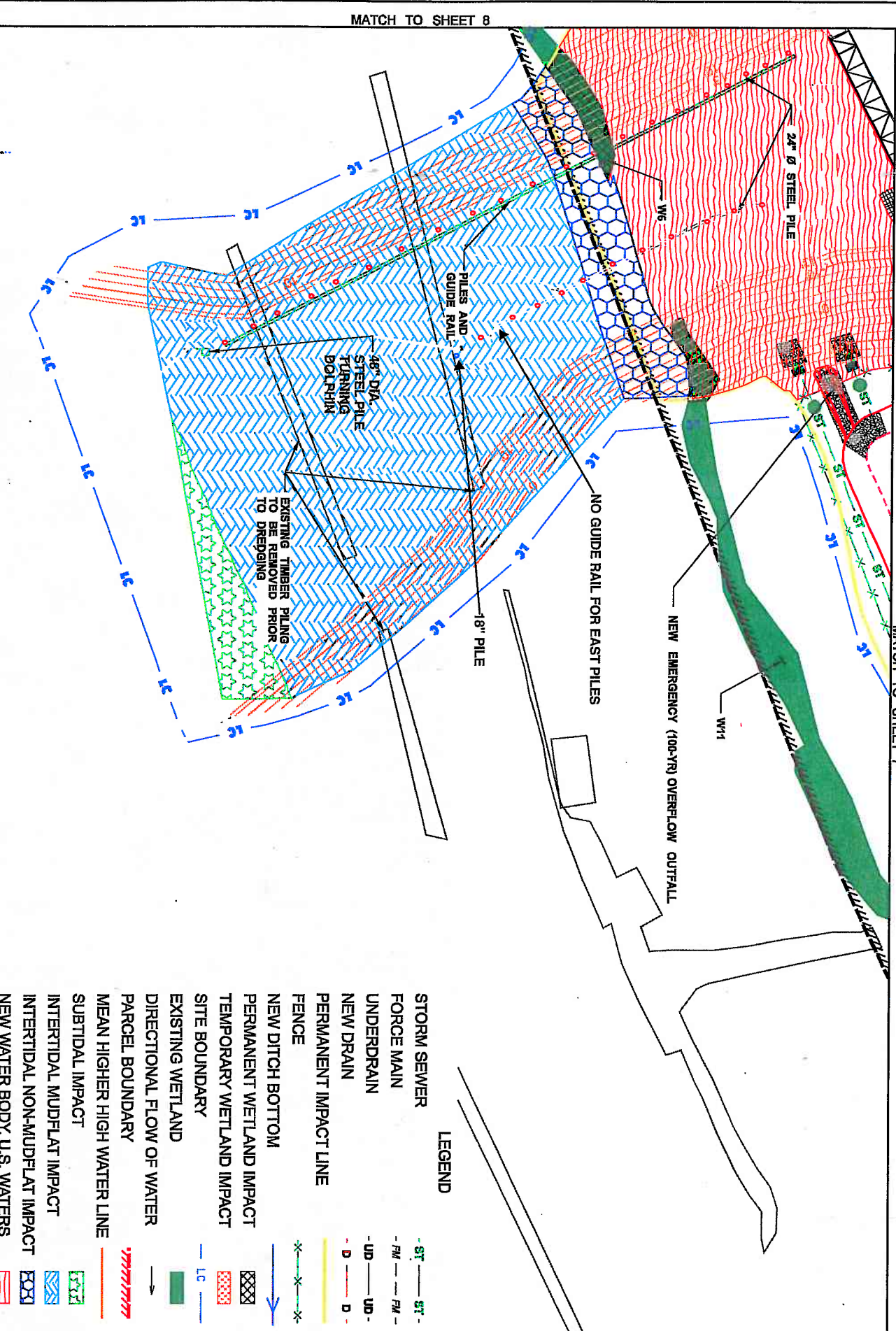
DATE: February 6, 2015

STATE: WA

MMHW = 8.2' (NOS)

VERTICAL DATUM: MLIV

SHEET 9 of 26



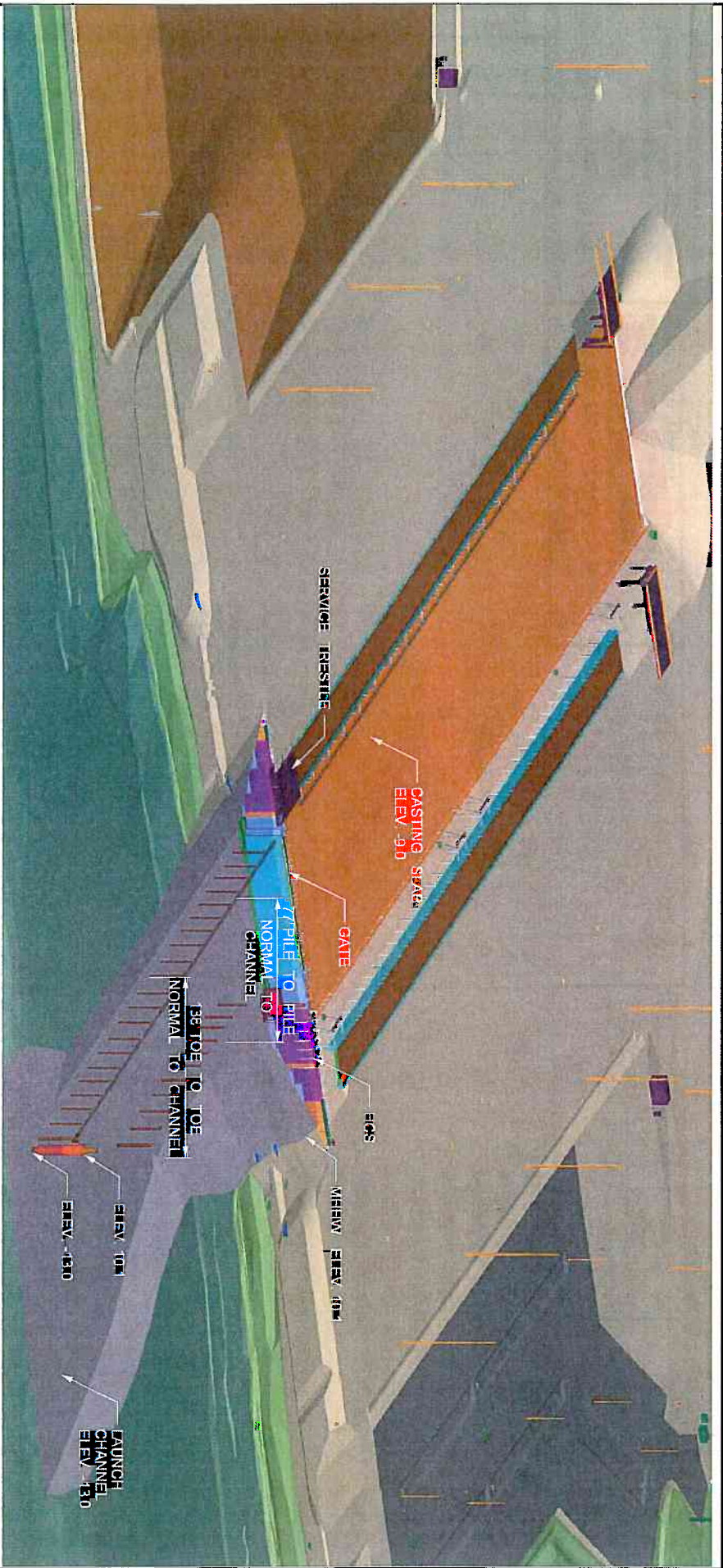
MATCH TO SHEET 8

MATCH TO SHEET 7

LEGEND

- ST - ST -
- FM - FM -
- UD - UD -
- D - D -
- PERMANENT IMPACT LINE
- FENCE
- NEW DITCH BOTTOM
- PERMANENT WETLAND IMPACT
- TEMPORARY WETLAND IMPACT
- SITE BOUNDARY
- EXISTING WETLAND
- DIRECTIONAL FLOW OF WATER
- PARCEL BOUNDARY
- MEAN HIGHER HIGH WATER LINE
- SUBTIDAL IMPACT
- INTERTIDAL MUDFLAT IMPACT
- INTERTIDAL NON-MUDFLAT IMPACT
- NEW WATER BODY, U.S. WATERS





**CASTING BASIN AND LAUNCH CHANNEL**

**PONTON CONSTRUCTION PROJECT**

**PERMIT DRAWINGS**



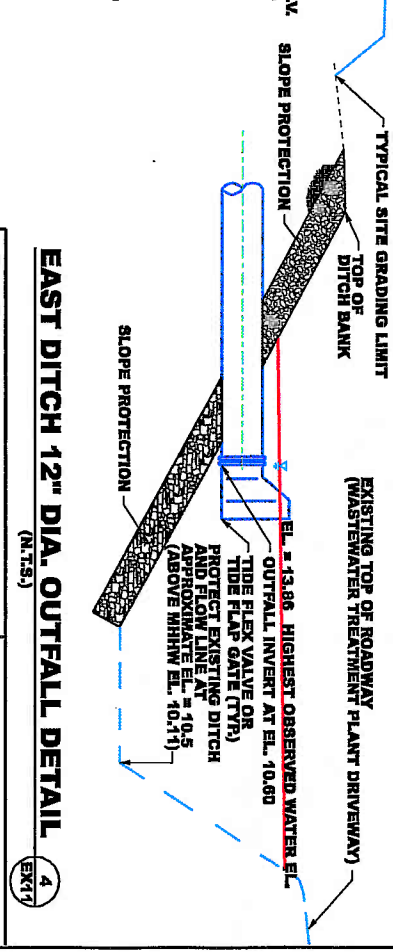
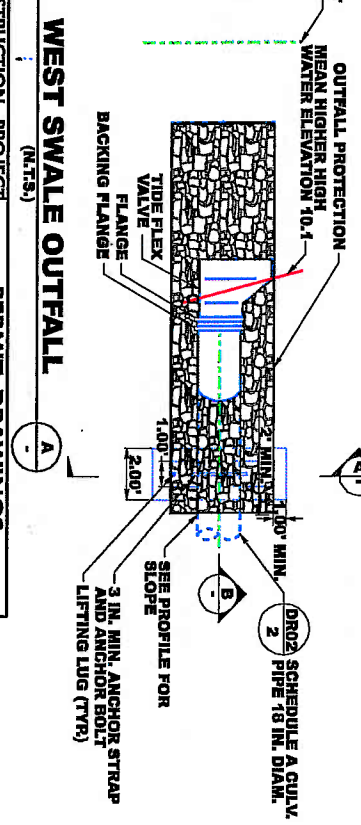
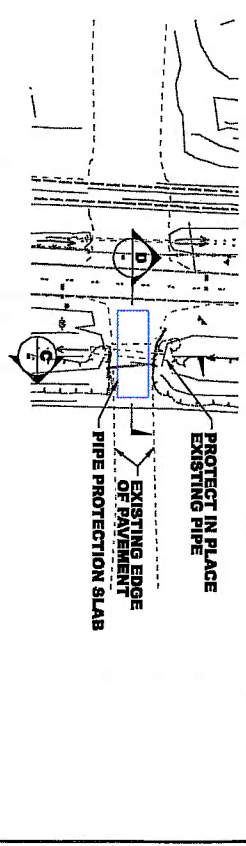
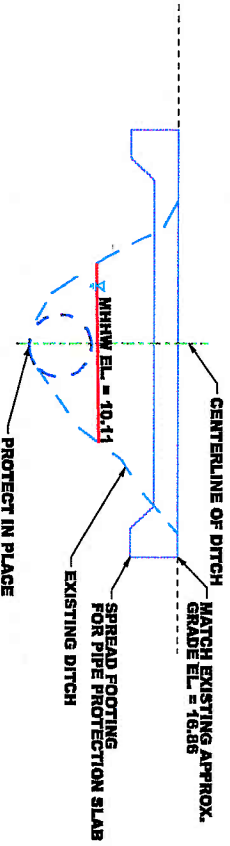
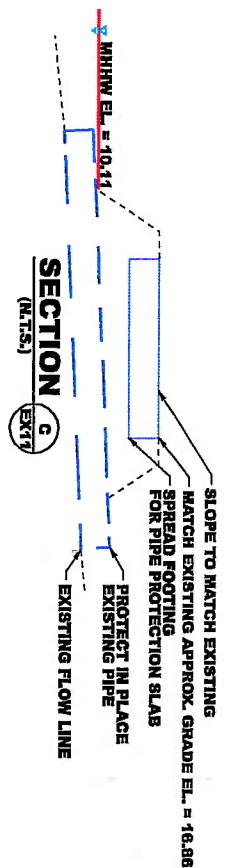
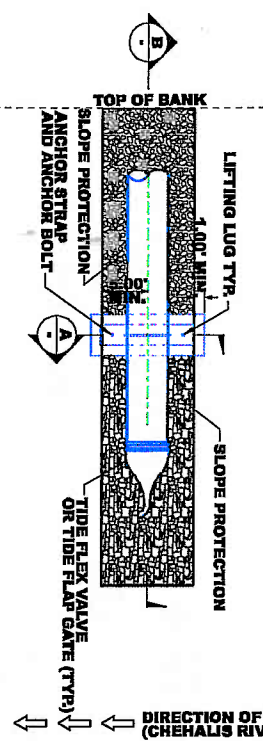
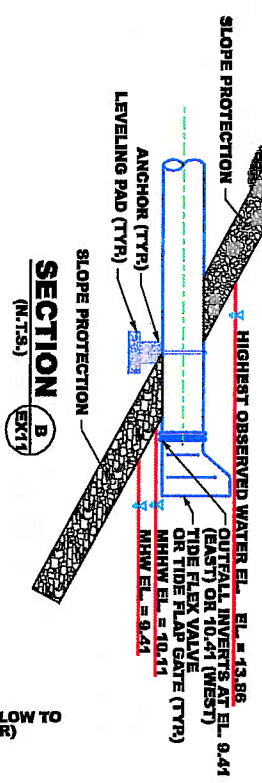
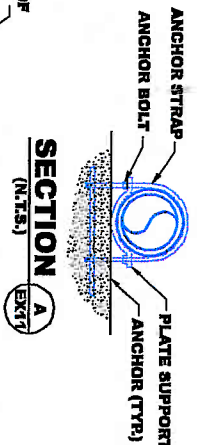
Washington State  
Department of Transportation

**PURPOSE:** Expedite Construction of the  
Pontons Needed to Replace the Existing  
Traffic Capacity of the Evergreen Point Bridge  
**REFERENCE:** NWS 2008 - 151  
**APPLICANT:** WSDOT

**IN:** Grays Harbor and Adjacent Wetlands and  
Ditches  
**NEARBY:** Grays Harbor, Aberdeen  
**COUNTY:** Grays Harbor  
**STATE:** WA  
**DATE:** February 6, 2015

**MHHW = 8.2 (NOS)**  
**VERTICAL DATUM:**  
MLLV  
SHEET 10 of 26





PONTON CONSTRUCTION PROJECT

PERMIT DRAWINGS

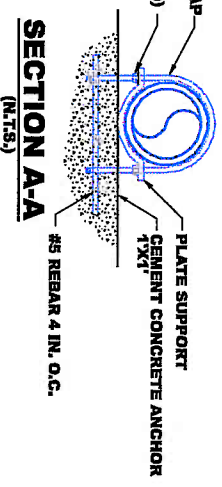
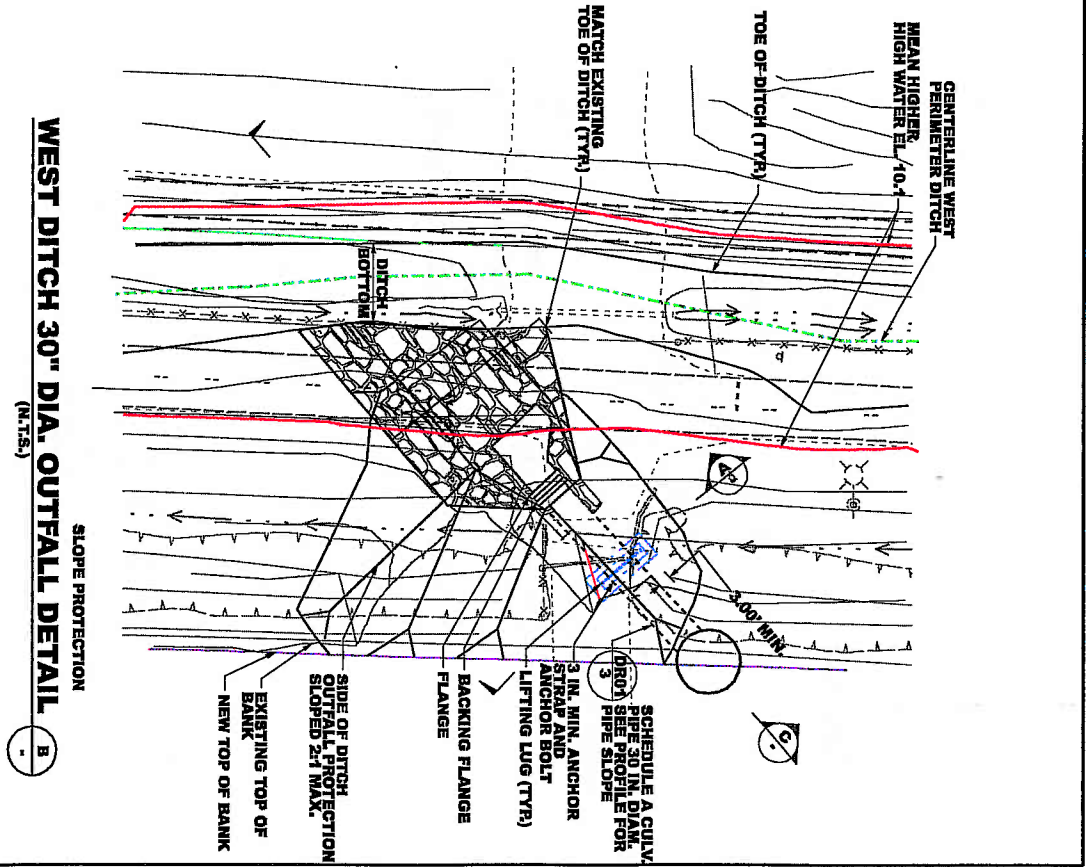
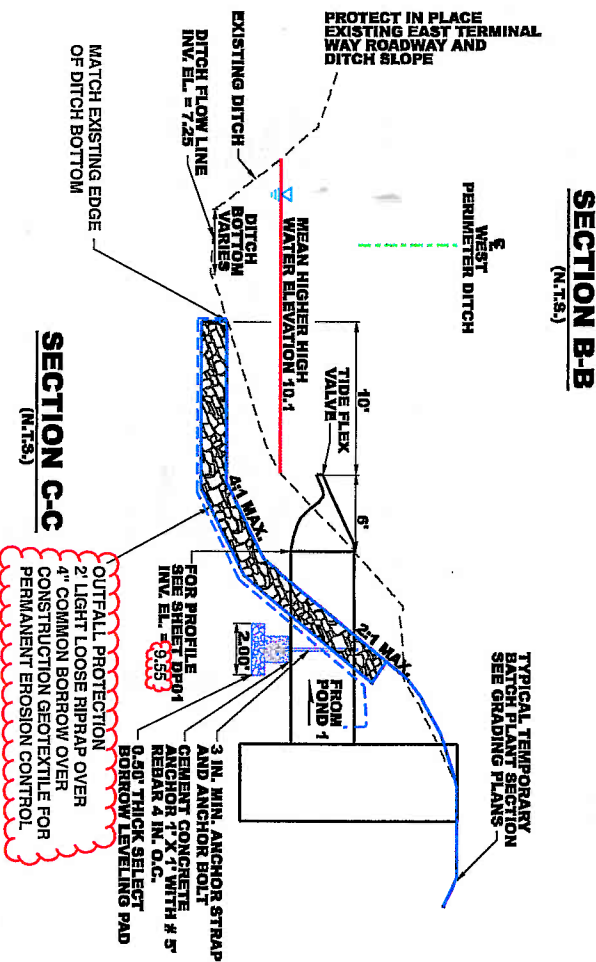
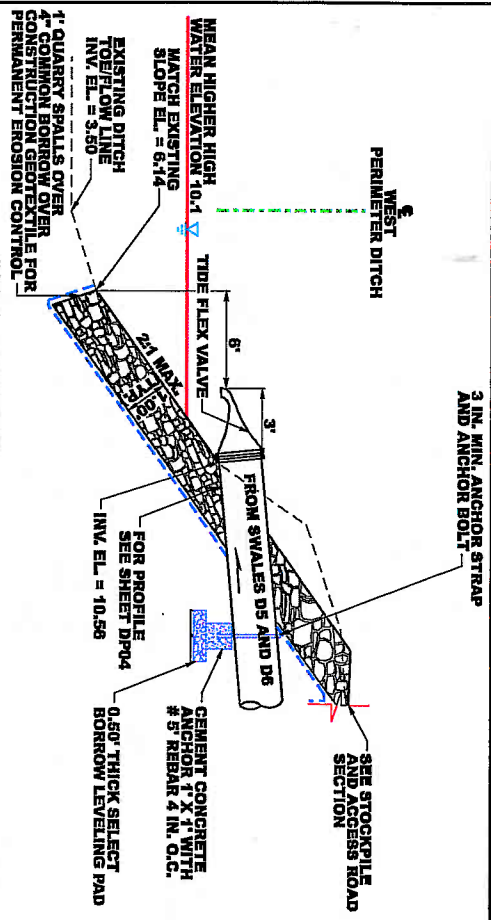
Washington State  
Department of Transportation

PURPOSE: Expedite Construction of the Pontons Needed to Replace the Existing Traffic Capacity of the Evergreen Point Bridge  
REFERENCE: NWS 2008 - 151  
APPLICANT: WSDOT

IN: Grays Harbor and Adjacent Wetlands and Ditches  
NEARBY: Grays Harbor, Aberdeen  
COUNTY: Grays Harbor  
STATE: WA  
DATE: February 6, 2015

MHHW = 8.2' (NOS)  
VERTICAL DATUM: MLLW  
SHEET 11 of 26





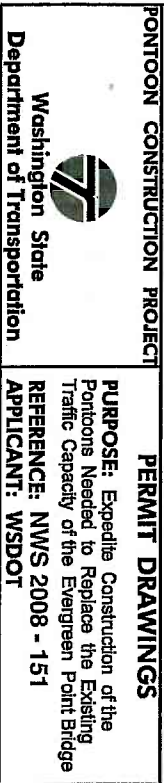
**DETAIL NOTES:**  
LEVELING PAD FOR PIPE ANCHOR SHALL BE COMPACTED TO 80% CONCRETE STRENGTH FOR PIPE ANCHOR SHALL BE CLASS 3000.

**PONTON CONSTRUCTION PROJECT**

**PERMIT DRAWINGS**

**Washington State Department of Transportation**  
**PURPOSE:** Expedite Construction of the Pontons Needed to Replace the Existing Traffic Capacity of the Evergreen Point Bridge  
**REFERENCE:** NWS 2008 - 151  
**APPLICANT:** WSDOT

**IN:** Grays Harbor and Adjacent Wetlands and Ditches  
**NEARBY:** Grays Harbor, Aberdeen  
**COUNTY:** Grays Harbor  
**STATE:** WA  
**DATE:** February 6, 2015  
**MHHW = 8.2' (NOS)**  
**VERTICAL DATUM:** MLLW  
**SHEET 12 of 26**



<b>IN:</b> Grays Harbor and Adjacent Wetlands and Ditches	
<b>NEAR/RAT:</b> Grays Harbor, Aberdeen	
<b>COUNTY:</b> Grays Harbor	<b>STATE:</b> WA
<b>DATE:</b> February 6, 2015	

**MHHW = 8.2' (NOS)**  
**VERTICAL DATUM:**  
**MLLW**  
**SHEET 13 of 26**

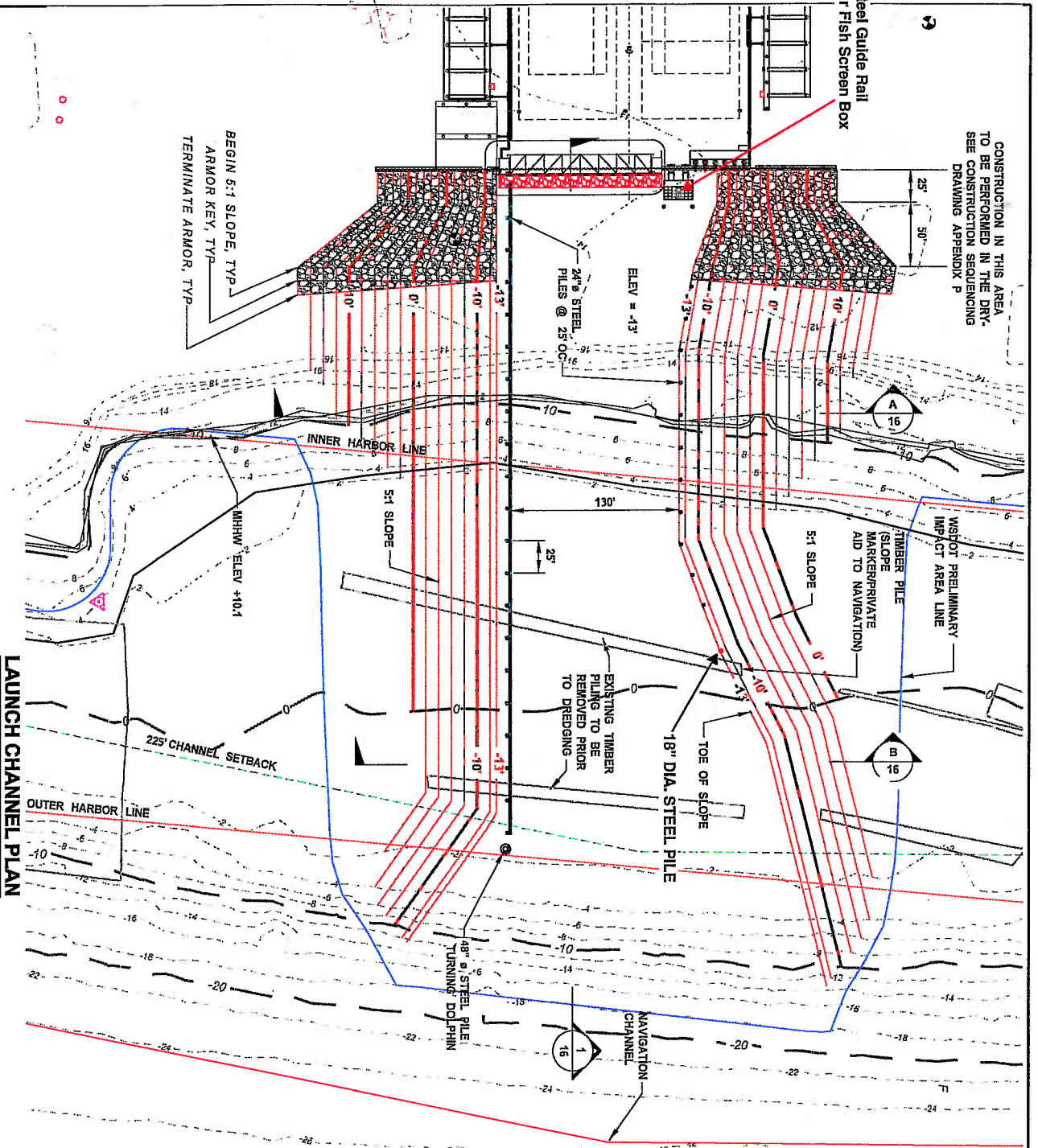
**MHHW = 8.2' (NOS)**  
**VERTICAL DATUM:**  
**MLLW**  
**SHEET 14 of 26**



CONSTRUCTION IN THIS AREA  
TO BE PERFORMED IN THE DRY-  
SEE CONSTRUCTION SEQUENCING  
DRAWING APPENDIX P

Steel Guide Rail  
for Fish Screen Box

BEGIN 5:1 SLOPE, TYP.  
ARMOR KEY, TYP.  
TERMINATE ARMOR, TYP.



**LEGEND:**

- APPROXIMATE LOCATION OF ROCK SLOPE
- 24" DIA. STEEL PILE (34 TOTAL)
- 18" DIA. STEEL PILE (1 TOTAL)
- TIMBER PILE TO BE REMOVED
- 48" DIA. STEEL PILE TURNING DOLPHIN (1 TOTAL)

**NOTES:**

1. ALL DIMENSIONS ARE APPROXIMATE AND SUBJECT TO FINAL ENGINEERING AND REVIEW PROCESS IDENTIFIED IN THE RFP.

PONTON CONSTRUCTION PROJECT

PERMIT DRAWINGS

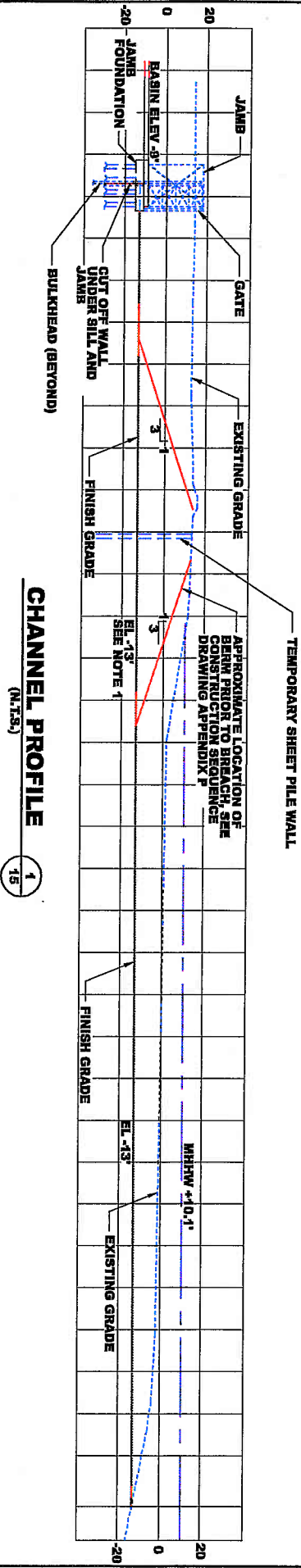
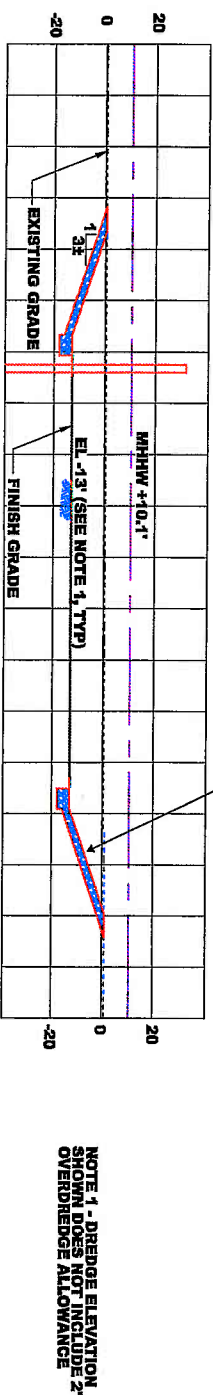
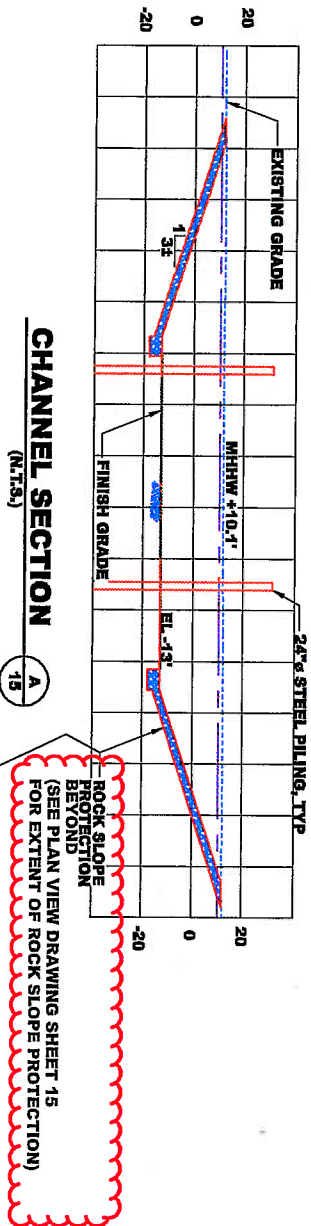


Washington State  
Department of Transportation

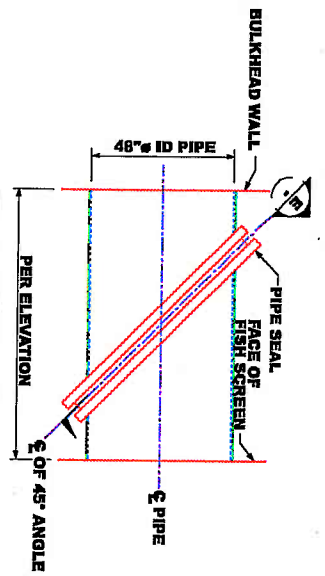
**PURPOSE:** Expedite Construction of the  
Pontons Needed to Replace the Evergreen  
Point Bridge in Case of Catastrophic Failure  
**REFERENCE:** NWS 2008 - 151  
**APPLICANT:** WSDOT

**IN:** Grays Harbor and Adjacent Wetlands and  
Ditches  
**NEARBY:** Grays Harbor, Aberdeen  
**COUNTY:** Grays Harbor  
**STATE:** WA  
**DATE:** February 6, 2015

MHHW = 8.2' (NOS)  
VERTICAL DATUM:  
MLTW  
SHEET 15 of 26

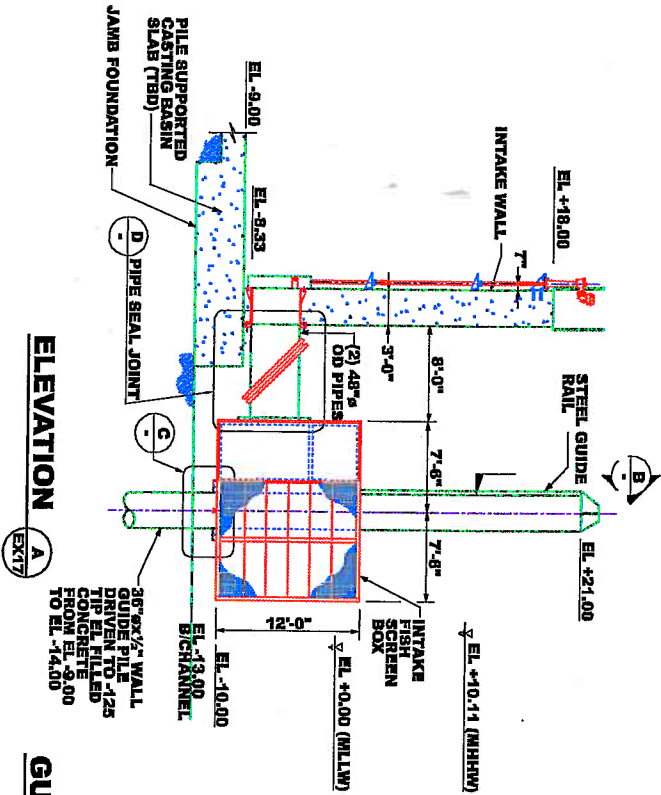


<b>PONTON CONSTRUCTION PROJECT</b> 		<b>PERMIT DRAWINGS</b>	
<b>PURPOSE:</b> Expedite Construction of the Pontons Needed to Replace the Evergreen Point Bridge in Case of Catastrophic Failure <b>REFERENCE:</b> NWS 2008 - 151 <b>APPLICANT:</b> WSDOT		<b>IN:</b> Grays Harbor and Adjacent Wetlands and Ditches <b>NEARBY:</b> Grays Harbor, Aberdeen <b>COUNTY:</b> Grays Harbor <b>STATE:</b> WA <b>DATE:</b> February 6, 2015	
		<b>MHHW = 8.2' (NCS)</b> <b>VERTICAL DATUM:</b> MLLW <b>SHEET 16 of 26</b>	



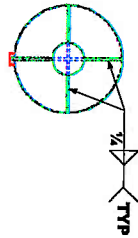
**ELEVATION OF  
PIPE SEAL JOINT**

EX17

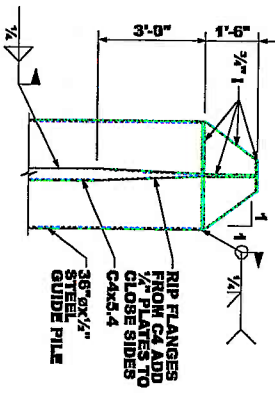


**ELEVATION  
A**

EX17

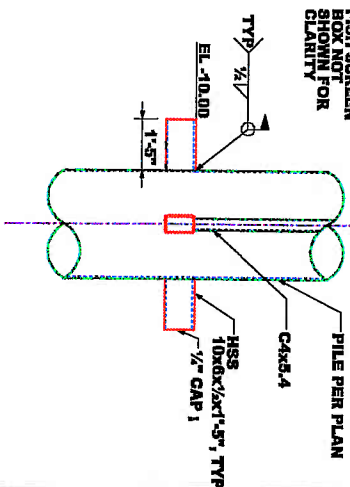


**PLAN VIEW**



**PLAN VIEW**

NOTE:  
FISH SCREEN  
BOX NOT  
SHOWN FOR  
CLARITY



**BOX STOP ELEVATION  
C**

EX17

**GUIDE RAIL PILE ELEVATION  
B**

EX17

PONTON CONSTRUCTION PROJECT

**PERMIT DRAWINGS**



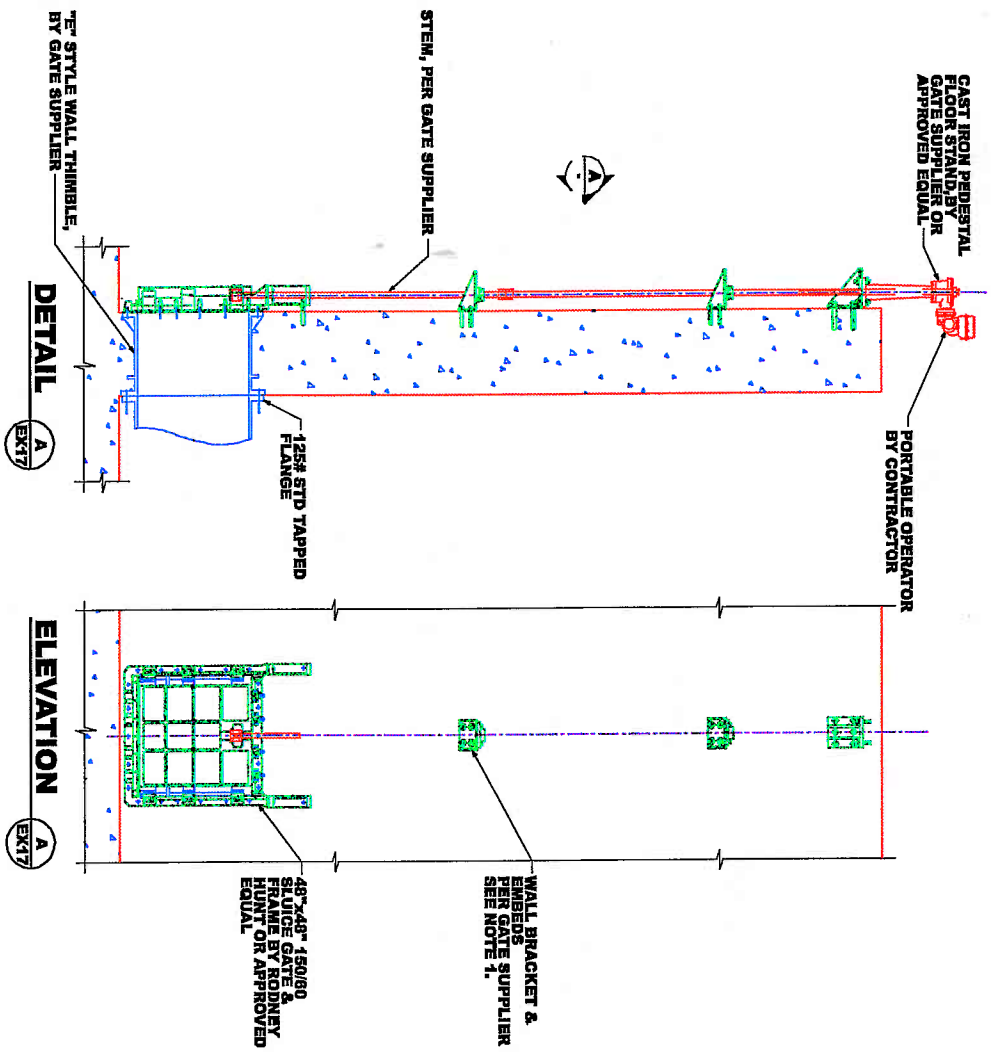
Washington State  
Department of Transportation

**PURPOSE:** Expedite Construction of the  
Pontons Needed to Replace the Existing  
Traffic Capacity of the Evergreen Point Bridge  
**REFERENCE:** NWS 2008 - 151  
**APPLICANT:** WSDOT

IN: Grays Harbor and Adjacent Wetlands and  
Ditches

NEARBY: Grays Harbor Aberdeen  
COUNTY: Grays Harbor  
STATE: WA  
DATE: February 6, 2015

MHHW = 8.2' (NOS)  
VERTICAL DATUM:  
MLLW  
SHEET 17 of 26



**NOTE:**  
 1. SPACING & MOUNTING OF WALL BRACKETS VARIES BETWEEN SLUICE GATE MANUFACTURERS. CONTRACTOR SHALL COORDINATE PLACEMENT OF BRACKETS & EMBEDS

SLUICE GATE DETAILS

PONTON CONSTRUCTION PROJECT

PERMIT DRAWINGS



Washington State  
 Department of Transportation

**PURPOSE:** Expedite Construction of the Pontons Needed to Replace the Evergreen Point Bridge in Case of Catastrophic Failure  
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**APPLICANT:** WSDOT

**IN:** Grays Harbor and Adjacent Wetlands and Ditches  
**NEAR/AT:** Grays Harbor, Aberdeen  
**COUNTY:** Grays Harbor  
**STATE:** WA  
**DATE:** February 6, 2015

MHHW = 8.2' (NOS)  
 VERTICAL DATUM:  
 MLLW  
 SHEET 18 of 26





## **NOTE:**

**FOR FISH SCREEN BOTTOM FRAMING PLAN.**

**PROJECT NORTH**  
**TRUE NORTH**

## PONTON CONSTRUCTION PROJECT

## **PERMIT DRAWINGS**



**Washington State  
Department of Transportation**

**PURPOSE:** Expedite Construction of the Portmons Needed to Replace the Evergreen Point Bridge in Case of Catastrophic Failure

**REFERENCE:** NWS 2008 - 151

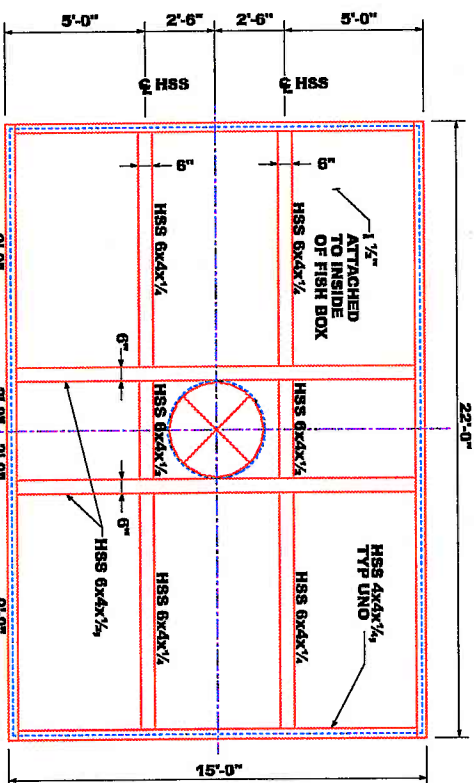
**APPLICANT:** WSDOT

## HYDRAULIC CONTROL STRUCTURES PLAN

**IN:** Grays Harbor and Adjacent Wetlands and  
Ditches  
**NEAR/AT:** Grays Harbor, Aberdeen  
**COUNTY:** Grays Harbor **STATE:** WA  
**DATE:** February 6, 2015

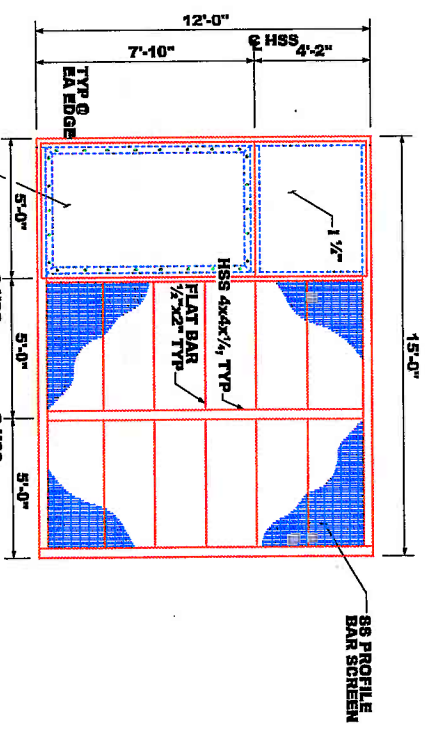
**MHHW = 8.2' (NOS)**  
**VERTICAL DATUM:**  
**MLLW**  
**SHEET 19 of 26**





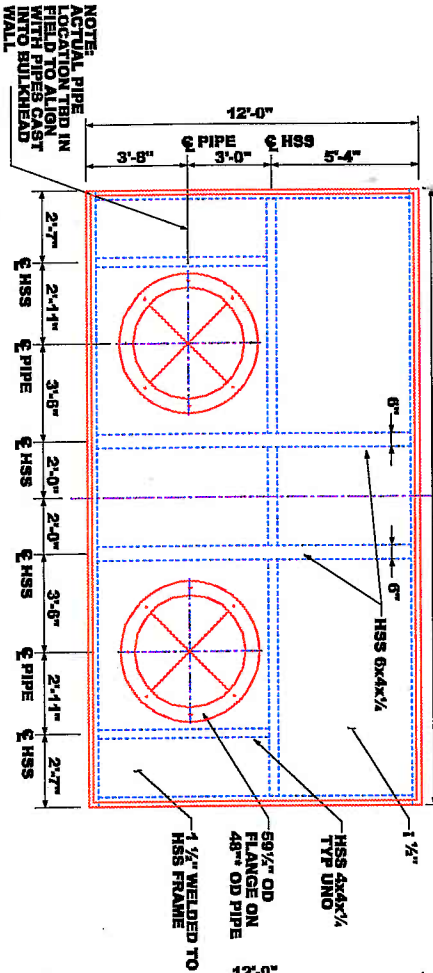
**INTAKE FISH SCREEN BOTTOM FRAMING PLAN**  
(LOOKING FROM BELOW)

1  
EX20



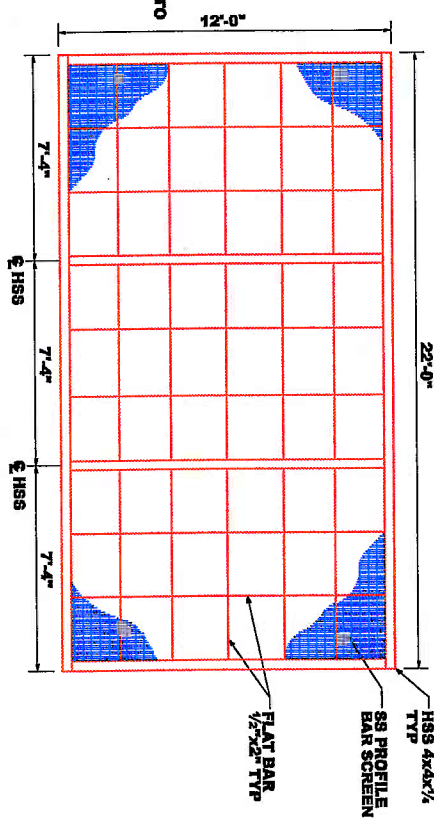
**INTAKE FISH SCREEN FRAMING ELEVATION**

C  
EX20



**INTAKE FISH SCREEN FRAMING ELEVATION**

B  
EX20



**INTAKE FISH SCREEN FRAMING ELEVATION**

D  
EX20

FISH SCREEN FRAMING  
PLAN AND ELEVATIONS

PONTON CONSTRUCTION PROJECT

PERMIT DRAWINGS

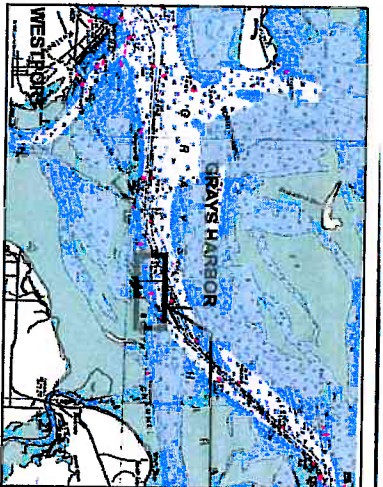


Washington State  
Department of Transportation

**PURPOSE:** Expedite Construction of the  
Pontons Needed to Replace the Evergreen  
Point Bridge in Case of Catastrophic Failure  
**REFERENCE:** NWS 2008 - 151  
**APPLICANT:** WSDOT

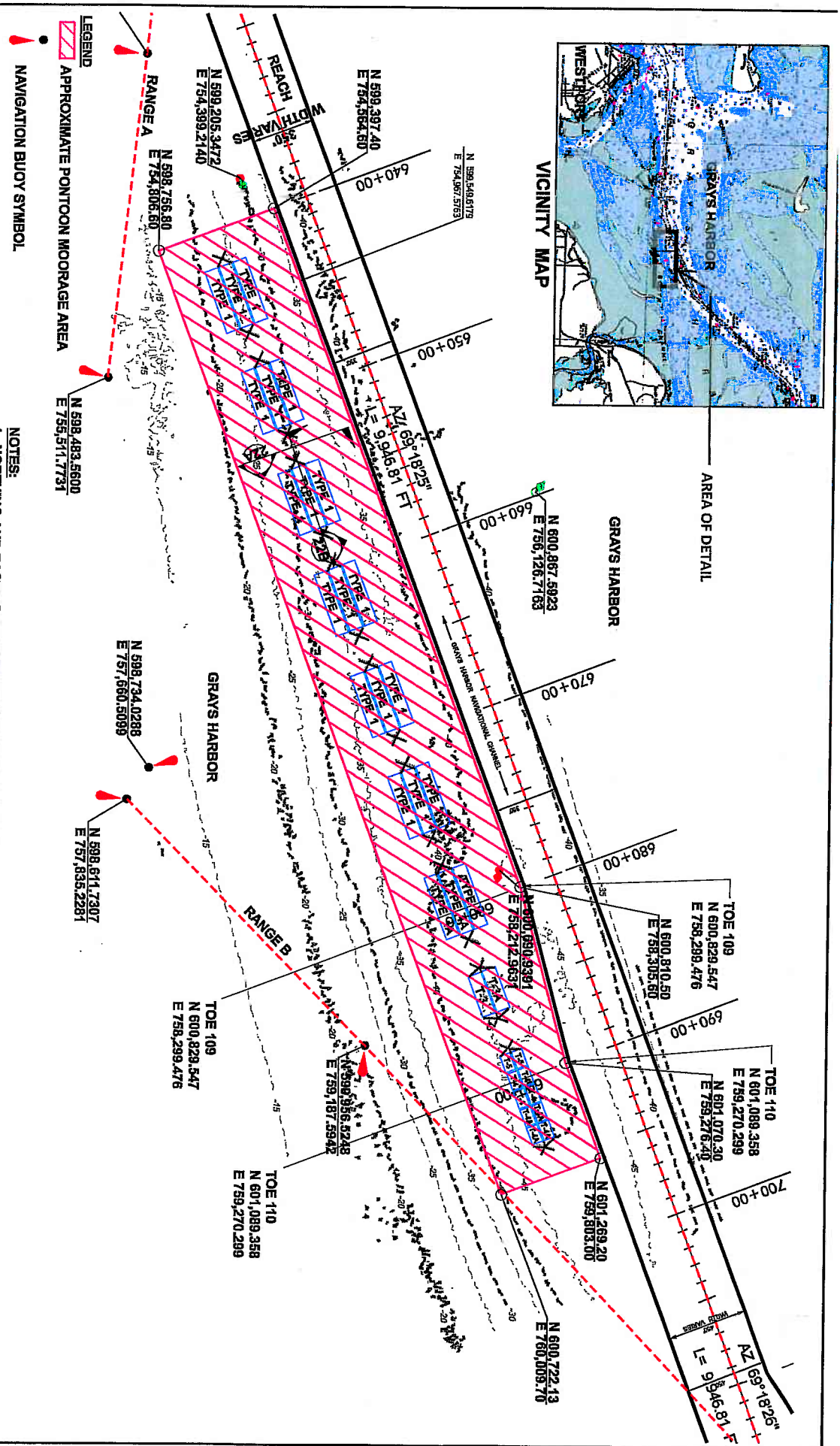
IN: Grays Harbor and Adjacent Wetlands and  
Ditches  
NEARBY: Grays Harbor, Aberdeen  
COUNTY: Grays Harbor STATE: WA  
DATE: February 6, 2015

MHHW = 8.2' (NOS)  
VERTICAL DATUM:  
MLLV  
SHEET 20 of 26

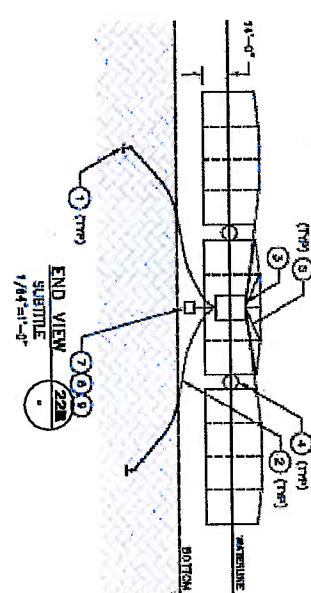
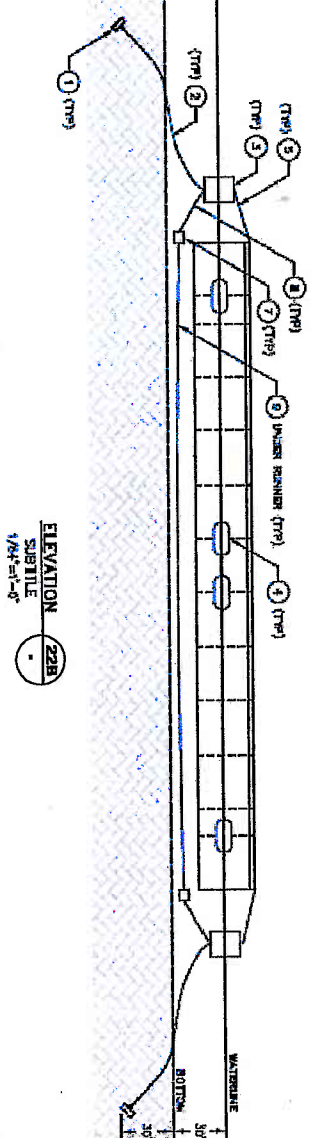
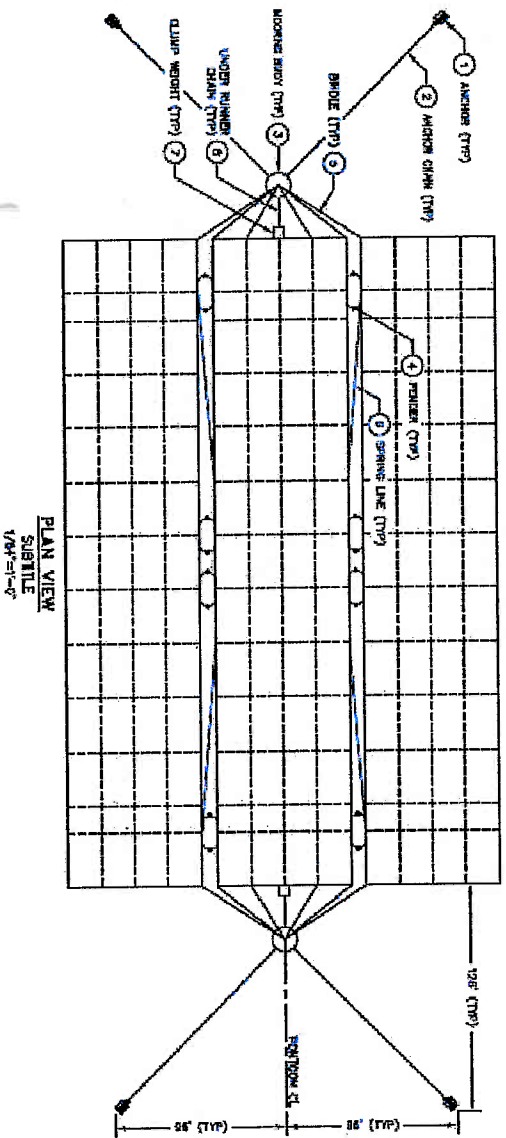


VICINITY MAP

AREA OF DETAIL



MATERIAL LIST		
NO.	DESCRIPTION	REMARKS
1	ANCHOR PLATE ANCHOR	3" x 6"
2	ANCHOR CHAIN	3" x 100' L
3	ANCHOR BOLT	4.00" DIA x 5.00" T
4	ANCHOR	4.00" DIA x 5.00" T
5	ANCHOR	4.00" DIA x 5.00" T
6	ANCHOR	4.00" DIA x 5.00" T
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97	ANCHOR	4.00" DIA x 5.00" T
98	ANCHOR	4.00" DIA x 5.00" T
99	ANCHOR	4.00" DIA x 5.00" T
100	ANCHOR	4.00" DIA x 5.00" T



# PONTON ANCHORAGE LAYOUT

Washington State  
Department of Transportation

**PONTON CONSTRUCTION PROJECT**

**PERMIT DRAWINGS**

**PURPOSE:** Expedite Construction of the Pontons Needed to Replace the Evergreen Point Bridge in Case of Catastrophic Failure

**REFERENCE:** NWS 2008 - 151

**APPLICANT:** WSDOT

**IN:** Grays Harbor and Adjacent Wetlands and Ditches

**NEARBY:** Grays Harbor, Aberdeen

**COUNTY:** Grays Harbor

**DATE:** February 6, 2015

**STATE:** WA

**VERTICAL DATUM:** MHHW = 8.2' (NOS) MLLW

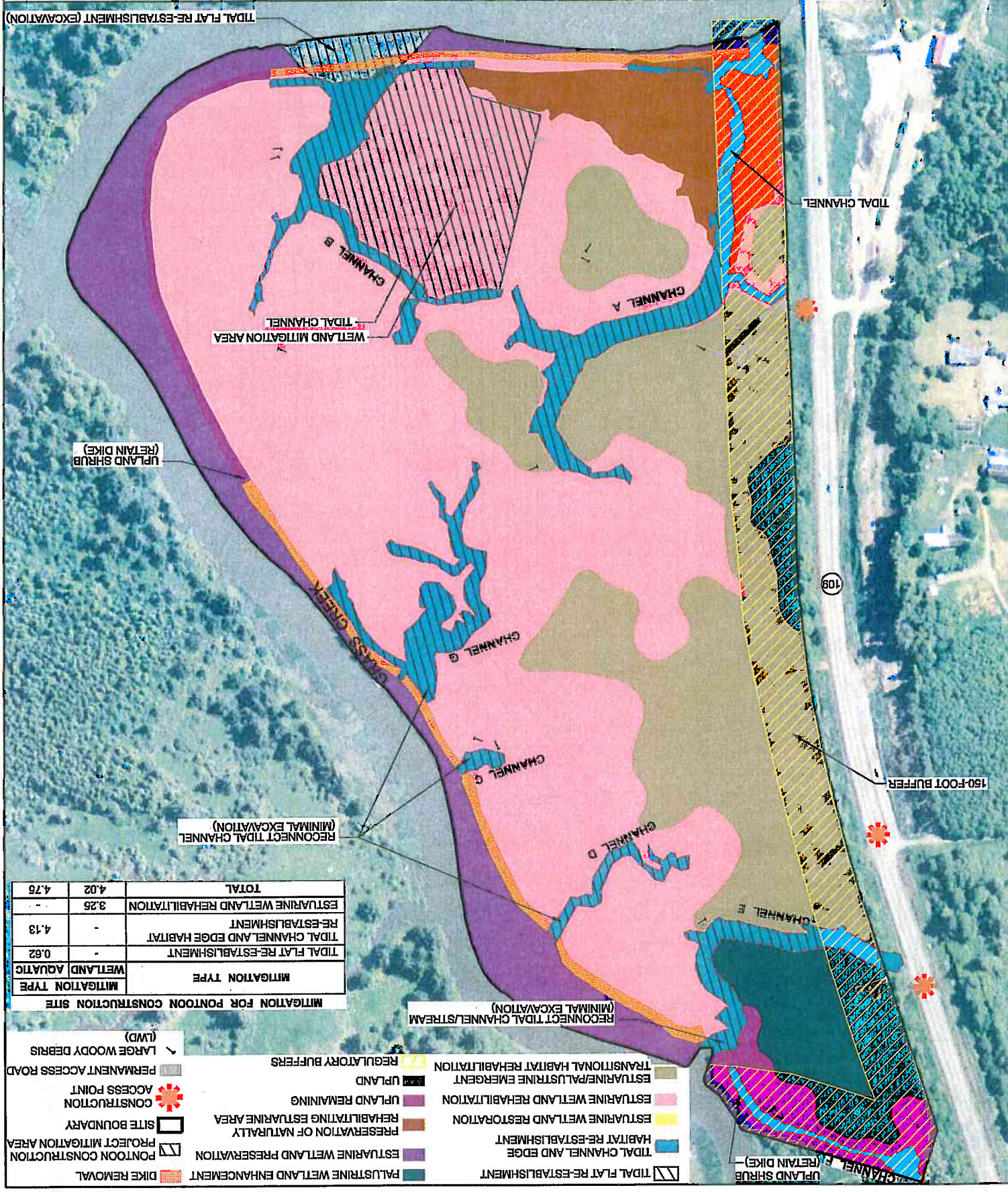
**SHEET 22 of 26**



PURPOSE: Expedite construction of the Pontons Needed to Replace the Evergreen Point Bridge in Case of Catastrophic Failure  
 REFERENCE: NWS 2008 - 151  
 APPLICANT: WSDOT

DATE: February 6, 2015  
 COUNTY: Grays Harbor, Aberdeen  
 NEARBY: Grays Harbor and Adjacent Wetlands and Ditches  
 STATE: WA

VERTICAL DATUM: MLLW  
 MHHW = 8.2' (NOS)  
 SHEET 23 of 26



MITIGATION FOR PONTON CONSTRUCTION SITE

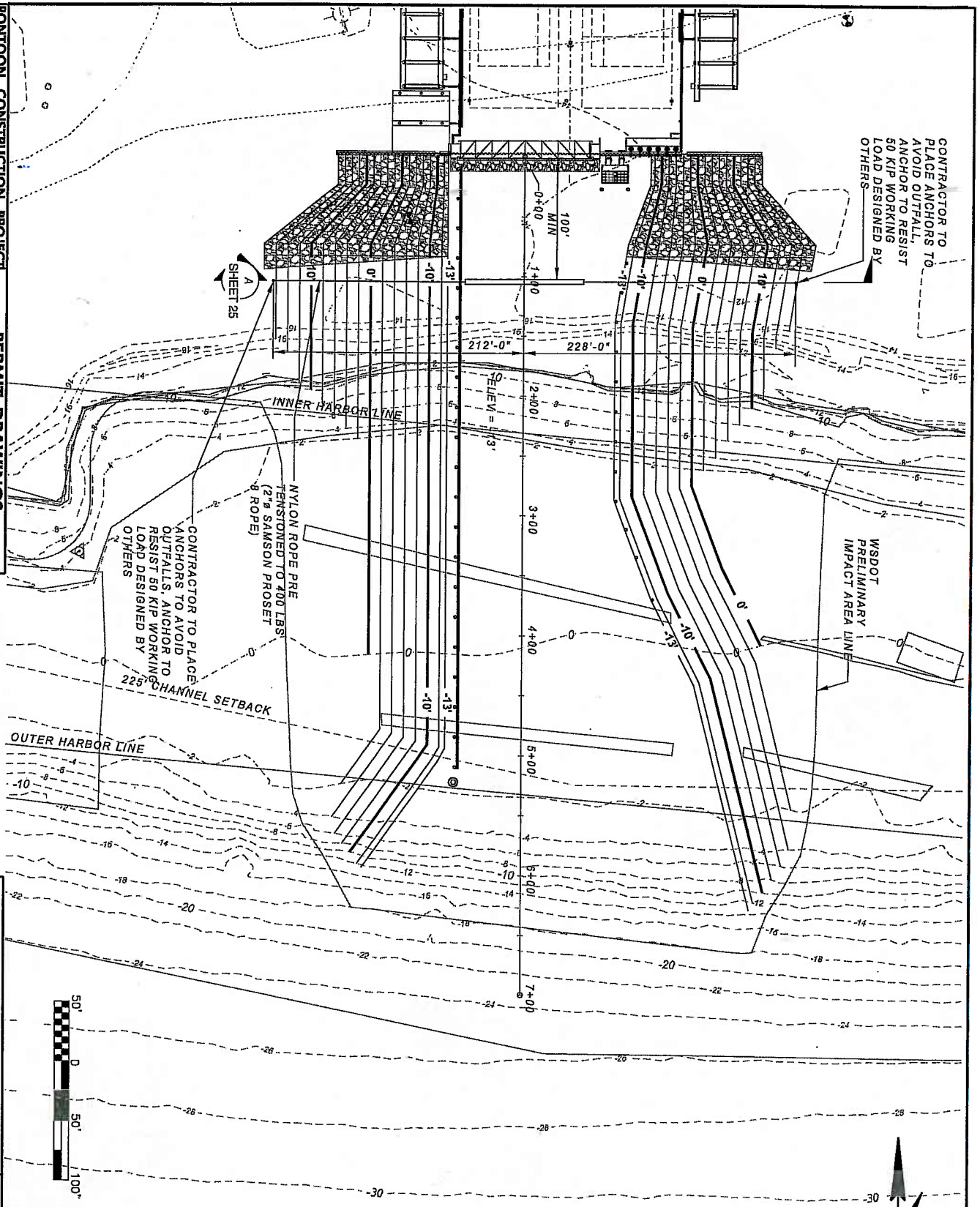
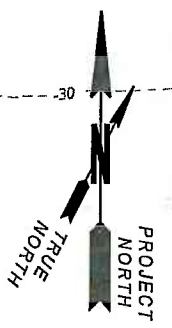
MITIGATION TYPE	WETLAND	AQUATIC
TIDAL FLAT RE-ESTABLISHMENT	-	0.62
TIDAL CHANNEL AND EDGE HABITAT RE-ESTABLISHMENT	-	4.13
ESTUARINE WETLAND REHABILITATION	3.25	4.02
<b>TOTAL</b>	<b>4.02</b>	<b>4.75</b>

- TIDAL FLAT RE-ESTABLISHMENT
- TIDAL CHANNEL AND EDGE HABITAT RE-ESTABLISHMENT
- ESTUARINE WETLAND RESTORATION
- ESTUARINE WETLAND REHABILITATION
- ESTUARINE/PALUSTRINE EMERGENT
- TRANSITIONAL HABITAT REHABILITATION
- UPLAND
- UPLAND REMAINING
- REGULATORY BUFFERS
- PALUSTRINE WETLAND ENHANCEMENT
- ESTUARINE WETLAND PRESERVATION
- PRESERVATION OF NATURALLY REHABILITATING ESTUARINE AREA
- UPLAND
- DIKE REMOVAL
- PONTON CONSTRUCTION PROJECT MITIGATION AREA
- SITE BOUNDARY
- CONSTRUCTION ACCESS POINT
- PERMANENT ACCESS ROAD
- LARGE WOODY DEBRIS (LWD)



CONTRACTOR TO PLACE ANCHORS TO AVOID OUTFALL, ANCHOR TO RESIST 50 KIP WORKING LOAD DESIGNED BY OTHERS

WSDOT PRELIMINARY IMPACT AREA LINE



PONTON CONSTRUCTION PROJECT

PERMIT DRAWINGS

# GATE BARRIER PLAN

Washington State  
Department of Transportation

**PURPOSE:** Expedite Construction of the Pontons Needed to Replace the Evergreen Point Bridge in Case of Catastrophic Failure

**REFERENCE:** NWS 2008 - 151

**APPLICANT:** WSDOT

IN: Grays Harbor and Adjacent Wetlands and Ditches

NEARBY: Grays Harbor, Aberdeen

COUNTY: Grays Harbor

STATE: WA

DATE: February 6, 2015

MHHW = 8.2' (NOS)

VERTICAL DATUM: MLLW

SHEET 24 of 26



Washington State  
Department of Transportation

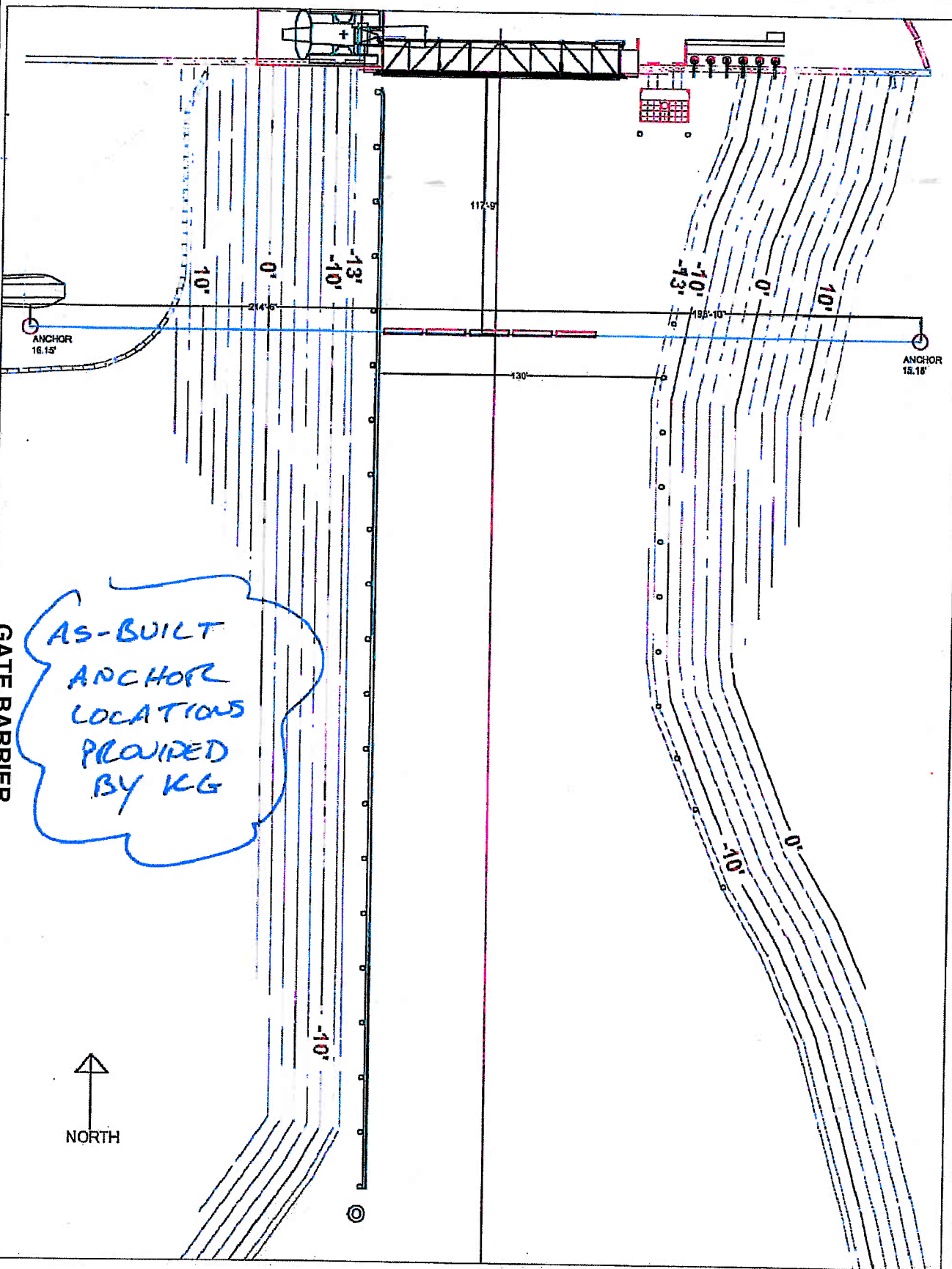
PONTON CONSTRUCTION PROJECT

PERMIT DRAWINGS

PURPOSE: Expedite Construction of the  
Pontons Needed to Replace the Evergreen  
Point Bridge in Case of Catastrophic Failure  
REFERENCE: NWS 2008 - 151  
APPLICANT: WSDOT

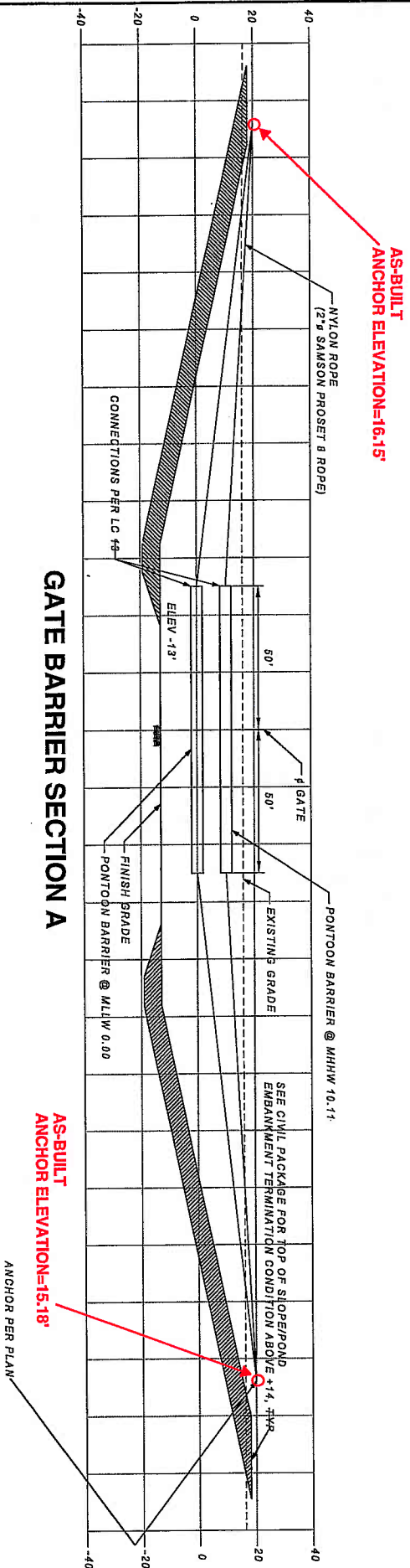
GATE BARRIER  
ANCHORS  
LOCATIONS AS-BUILT

AS-BUILT  
ANCHOR  
LOCATIONS  
PROVIDED  
BY KLG



IN: Grays Harbor and Adjacent Wetlands and  
Ditches  
NEARBY: Grays Harbor, Aberdeen  
COUNTY: Grays Harbor STATE: WA  
DATE: February 6, 2015

MHHW = 8.2' (NOS)  
VERTICAL DATUM:  
MLLW  
SHEET 26 of 26



**GATE BARRIER SECTION A**

**AS-BUILT  
ANCHOR ELEVATION=15.18'**  
ANCHOR PER PLAN

**PONTON CONSTRUCTION PROJECT**

**PERMIT DRAWINGS**



Washington State  
Department of Transportation

**PURPOSE:** Expedite Construction of the  
Pontons Needed to Replace the Evergreen  
Point Bridge in Case of Catastrophic Failure  
**REFERENCE:** NWS 2008 - 151  
**APPLICANT:** WSDOT

**IN:** Grays Harbor and Adjacent Wetlands and  
Ditches  
**NEAR/AT:** Grays Harbor, Aberdeen  
**COUNTY:** Grays Harbor **STATE:** WA  
**DATE:** February 6, 2015

**MHHW = 8.2' (NOS)**  
**VERTICAL DATUM:**  
MLLV  
**SHEET 25 of 26**



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
SEATTLE DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 3755  
SEATTLE, WASHINGTON 98124-3755

Regulatory Branch

FEB 25 2015

Mr. Dave Ziegler  
Washington State Department of Transportation  
PO Box 1928  
Aberdeen, Washington 98520

Reference: NWS-2008-151  
WA St Dept of Transportation

Dear Mr. Ziegler:

We have received your request for a permit modification to extend the time limit for completing the work authorized by the above-referenced Department of the Army permit. The permit authorizes constructing a pontoon casting basin and storage area and conducting maintenance dredging and in-water disposal up to 30,000 cubic yards twice a year in wetlands, ditches, and Grays Harbor at Aberdeen, Washington. The original time limit for completing the authorized work is scheduled to expire on February 28, 2015. You have requested a modification of the permit to extend the time limit for completing the gate barrier installation to March 31, 2015. Your request for a time extension is approved. The new time limit for completing the gate barrier installation ends on March 31, 2015.

All other terms and conditions contained in the original permit remain in full force and effect. If you have any questions, please contact Ms. Rebecca McAndrew at (206) 764-6912 or at [rebecca.e.mcandrew@usace.army.mil](mailto:rebecca.e.mcandrew@usace.army.mil).

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

*for* John G. Buck  
Colonel, Corps of Engineers  
District Engineer



## DEPARTMENT OF THE ARMY PERMIT

**Permittee:** Washington State Department of Transportation

600 Stewart Street, Suite 520  
Seattle, Washington, 98101

**Permit No:** NWS-2008-151

**Issuing Office:** Seattle District

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the U.S. Army Corps of Engineers (Corps) having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

**Project Description:** Construct a pontoon-producing casting basin, dredge an access channel across intertidal and subtidal substrates with in-water disposal of dredged material at one or both of the two Grays Harbor in-water disposal sites, place 18,000 cubic yards of armor rock on the sloped sides of the access channel, would be stabilized with 18,000 cubic yards of armor rock, install 68 piling and rails in the access channel, fill or otherwise eliminate 1.1 acres of nine wetlands and 0.03 acre of jurisdictional ditch, install five outfalls, create a pontoon storage area with 18 moorage buoys at an 88.4-acre location near the South Reach portion of the Grays Harbor Navigation Channel and perform mitigation in accordance with the plans and drawings dated December 8, 2010, attached hereto which are incorporated in and made a part of this permit. The purpose of the project is to build a facility to produce and store pontoons for the State Route 520 Evergreen Point Floating Bridge and maintain a long-term capability to repair or build pontoons for future WSDOT floating bridge needs.

**Project Location:** In Grays Harbor at Aberdeen, Washington, and two locations in unincorporated Grays Harbor County, Washington.

### Permit Conditions:

#### *General Conditions:*

FEB 16 2014

1. The time limit for completing the work authorized ends on \_\_\_\_\_. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least 1 month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in accordance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification to this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the

conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that the work is accomplished in accordance with the terms and conditions of your permit.

7. After a detailed and careful review of all the conditions contained in this permit, the permittee acknowledges that, although said conditions were required by the US Army Corps of Engineers, nonetheless the permittee agreed to those conditions voluntarily to facilitate issuance of the permit; the permittee will comply fully with all the terms of all the permit conditions.

*Special Conditions:*

a. The permittee shall implement and abide by the mitigation plan entitled *Draft Wetland and Aquatic Resources Report Grass Creek Mitigation Site—Pontoon Construction Project SR 520 Bridge Replacement and HOV Program* dated December 2010. Mitigation monitoring reports will be due annually for 10 years from the due date of the as-built drawings of the mitigation site. All reports must be submitted to the US Army Corps of Engineers, Seattle District, Regulatory Branch and must prominently display the reference number NWS-2008-151. The mitigation monitoring report must be prepared as described in the enclosed *Mitigation Monitoring Report Format* dated October 10, 2008.

b. A status report on the mitigation construction, including as-built drawings, must be submitted to the US Army Corps of Engineers, Seattle District, Regulatory Branch, no later than 13 months from the date of permit issuance. Annual status reports on mitigation construction are required until mitigation construction is complete.

c. The upland and wetland areas restored and enhanced as compensatory mitigation for work authorized by this permit, shall not be made the subject of a future individual or general Department of the Army permit application for fill or other development, except for the purposes of enhancing or restoring the mitigation associated with this project. In addition, a description of the mitigation area identified in the final mitigation plan as approved, and any subsequent permit mitigation area revisions, will be recorded with the Registrar of Deeds or other appropriate official charged with maintaining records on real property. Proof of recording must be provided to the US Army Corps of Engineers, Seattle District, Regulatory Branch no later than 60 days from the date of permit issuance.

d. Your responsibility to complete the required compensatory mitigation as set forth in Special Condition "a" will not be considered fulfilled until you have demonstrated mitigation success and have received written verification from the U.S. Army Corps of Engineers.

e. This U.S. Army Corps of Engineers (Corps) permit does not authorize you to take a threatened or endangered species. In order to legally take a listed species, you must have a separate authorization under the Endangered Species Act (ESA) (e.g., an ESA Section 10 permit, or ESA Section 7 consultation Biological Opinion (BO) with non-discretionary "incidental take" provisions with which you must comply). The BOs prepared by the National Marine Fisheries Service (NMFS) dated October 25, 2010, and the U.S. Fish and Wildlife Service (USFWS) dated December 6, 2010, contain mandatory terms and conditions to implement the reasonable and prudent measures that are associated with the specified "incidental take" in the BO (USFWS Reference Number 13410-2010-F-0497, NMFS Reference Number 2010/03543). Your authorization under this Corps permit is conditional upon your compliance with all of the mandatory terms and conditions associated with incidental take of the BOs. These terms and conditions are incorporated by reference in this permit. Failure to comply with the commitments made in this document constitutes non-compliance with the ESA and your Corps permit. The USFWS and the NMFS are the appropriate authorities to determine compliance with ESA.



f. In order to protect the listed threatened and endangered species in the project area, the permittee may conduct the authorized activities in the work window as agreed to and documented in writing through consultation by the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service (Services) in any year this permit is valid. If changes to the originally authorized work window are proposed, the permittee must re-coordinate these changes with the Services and receive written concurrence on the changes. Copies of the concurrence(s) must be sent to the U.S. Army Corps of Engineers, Regulatory Branch, within 10 days of the date of the revised concurrence.

g. In order to protect the Essential Fish Habitat (EFH) for Pacific salmon, groundfish, and coastal pelagic species listed under the Magnuson-Stevens Fishery Conservation and Management Act (MSA), any conservation recommendations as agreed to by the Federal Highway Administration and coordinated with National Marine Fisheries Service are incorporated by reference in this permit. Failure to comply with the commitments made in this negotiation constitutes non-compliance with the MSA and your US Army Corps of Engineers permit.

h. You must implement the *Archaeological Monitoring Plan and Unanticipated Discovery Protocol* as approved by the Washington State Department of Archaeology and Historic Preservation on September 28, 2010.

i. At least 14 days prior to beginning the dredging and disposal work, the permittee must notify the US Army Corps of Engineers, Seattle District, Regulatory Branch Project Manager, by telephone, (206)764-6907, to schedule a Predisposal Conference or telephone conference.

j. At least 7 days prior to the scheduled Predisposal Conference, the permittee must submit to the US Army Corps of Engineers (Corps), Seattle District, Regulatory Branch Project Manager, a quality control plan for dredging and disposal. This plan must include: the equipment and vessels to be used, operational controls to ensure dredging accuracy, disposal positioning procedures, spill control and response measures, water quality monitoring and contingency plans for water quality exceedences, debris management, personnel and responsibilities, dredging and disposal schedule, report submittals, agency contact information and coordination procedures. The plan must be approved by the Corps, Washington State Department of Natural Resources and Washington State Department of Ecology prior to commencement of open-water disposal.

k. At least 7 days prior to dredging and disposal, the permittee, the dredging contractor's representative, and the dredging contractor's disposal positioning supervisor must attend a Predisposal Conference to review the US Army Corps of Engineers permit conditions, dredging and disposal quality control plan, Washington State Department of Natural Resources site-use authorization and water quality certification.

l. A predisposal dry run may be required by the US Army Corps of Engineers (Corps). At the discretion of the Corps, the Regulatory Branch Project Manager may ride out to the disposal site during the predisposal dry run or the first disposal run to verify positioning accuracy.

m. Disposal must be by bottom-dump barge or hopper dredge, unless coordinated in advance with the Seattle District Dredged Material Management Office.

n. Disposal operations must not interfere with Indian treaty fishing at the disposal site, including gill nets and other fishing gear. The permittee must coordinate any nighttime disposal with the US Army Corps of Engineers, Seattle District, Regulatory Branch Project Manager. Approval must be received from the District Engineer prior to conducting nighttime disposal.

o. The United States Coast Guard (USCG) must be notified by letter 14 days prior to commencing dredging

operations. Notification should be sent to Commander (dpw), Thirteenth Coast Guard District, 915 Second Avenue, Seattle, Washington 98174-1067 or faxed to (206) 220-7265 so that the information can be issued in the Local Notice to Mariners. The notification to USCG must include the radio frequencies/channels that the dredger will be monitoring so that any traffic in the area can contact the dredger if needed.

p. You must have a copy of this permit available on the vessel used for the authorized transportation and disposal of the dredged material.

q. All hopper dredges must be equipped with the Silent Inspector (SI) system for hopper dredge monitoring. The SI system must have been certified by the Engineer Research and Development Center within the last year. Questions regarding certification should be addressed to the SI support team at telephone (601) 634-2923. The data collected by the SI system must, upon request, be made available to U.S. Army Corps of Engineers, Seattle District, Regulatory Branch.

r. All deviations from the authorized dredging footprint or depths must be reported to the Regulatory Branch Project Manager within 24 hours of discovery.

s. Plotted results of the post-dredge bathymetric survey must be submitted to the Dredged Material Management Office in PDF format within 30 days of completion of dredging. Results must clearly display the post-dredge sediment surface in relation to the permitted dredge boundary and depth, as well as the location of project features such as docks, wharfs and other landmarks. The vertical datum must be clearly indicated. Full bathymetric survey data must be submitted upon request.

t. If dredging cannot be completed prior to the "recency determination" date specified in the Dredged Material Management Program (DMMP) suitability determination, the Dredged Material Management Office (DMMO) Project Manager must be contacted. The DMMO Project Manager will coordinate with the other DMMP agencies to determine whether an extension to the recency period can be granted.

u. Any future maintenance dredging required to maintain the access channel is not authorized by this permit. A Department of the Army authorization must be obtained before performing any subsequent dredging.

v. The permittee shall provide a copy of the permit transmittal letter, permit form, and permit drawings to all contractors involved in the authorized work.

w. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration of the work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, you will be required, upon due notice from the U. S Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

x. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

#### **Further Information:**

1. Congressional Authorities. You have been authorized to undertake the activity described above pursuant to:



- ☒ Section 10 of the Rivers and Harbor Act of 1899 (33 U.S.C. 403).
- ☒ Section 404 of the Clean Water Act (33 U.S.C. 1344).
- ☐ Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

- a. This permit does not obviate the need to obtain other Federal, State, or local authorization required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data. The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of the permit.
- b. The information provided by you in support of your application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order

requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the US Army Corps of Engineers will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

Julia Meredith  
NAME OF PERMITTEE

2/16/11  
(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

[Signature]  
Anthony O. Wright  
Colonel, Corps of Engineers  
District Engineer

16 February 2011  
(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

\_\_\_\_\_  
(TRANSFEREE)

\_\_\_\_\_  
(DATE)



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
SEATTLE DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 3755  
SEATTLE, WASHINGTON 98124-3755

DEC 15 2011

Regulatory Branch

520 PCP Team

DEC 20 2011

Washington State Department of Transportation  
Pontoon Construction Project  
ATTN: David Ziegler  
600 Stewart Street, Suite 520  
Seattle, Washington 98101

Reference: NWS-2008-151  
WA St. Dept. of Transportation  
(Pontoon Construction Project)

Dear Mr. Ziegler:

We have received your request to add a component of periodic maintenance dredging to the series of activities covered by the Department of the Army permit NWS-2008-151. That permit authorized jurisdictional work associated with the Pontoon Construction Project at Aberdeen, Washington.

This permit has been amended, and now authorizes maintenance dredging and in-water disposal of up to 25,000 cubic yards of deposited sediments twice a year. The periodic maintenance dredging now authorized by this permit may be conducted until February 28, 2015. All other construction work must be completed by February 16, 2014.

I have added four special conditions to the permit that specifically apply to maintenance dredging:

y. For maintenance dredging of the access channel, at least 14 days prior to beginning the dredging and disposal work, the permittee must notify the US Army Corps of Engineers, Seattle District, Regulatory Branch Project Manager, by telephone, (206) 764-6912. At our discretion, the Seattle District may schedule a Predisposal Conference or telephone conference.

z. All maintenance dredging must be conducted in accordance with the document entitled SR 520 Pontoon Construction Design Build Project Dredging and Disposal Quality Control Plan, dated September 2011.

aa. Disposal operations must not interfere with Indian treaty fishing at the disposal site, including gill nets and other fishing gear. Nighttime disposal may occur if conducted in accordance with the Dredging Communication Protocol worked out with the Quinault Indian Nation on October 18, 2011.

bb. For each cycle of maintenance dredging, pre- and post-dredging contours must be established via bathymetric surveys. Results of both surveys must be submitted to the Dredged Material Management Office in PDF format within 30 days of completion of dredging. Results must clearly display the pre- and post-dredge sediment contours in relation to the permitted dredge boundary and depth. The vertical datum must be clearly indicated. Full bathymetric survey data must be submitted upon request. The results of the surveys will be used in calculating disposal fees.


Special Condition "u" in the original permit stated that any future maintenance dredging of the access channel would require separate Department of the Army authorization. This letter fulfills that requirement.

Enclosed is a set of drawings dated October 24, 2011, depicting the location and design parameters of the access channel. These drawings pertain only to the maintenance dredging, and supplement but do not change in any way the original permit drawings dated December 8, 2010.

All other terms and conditions of the original permit remain in full force and effect.

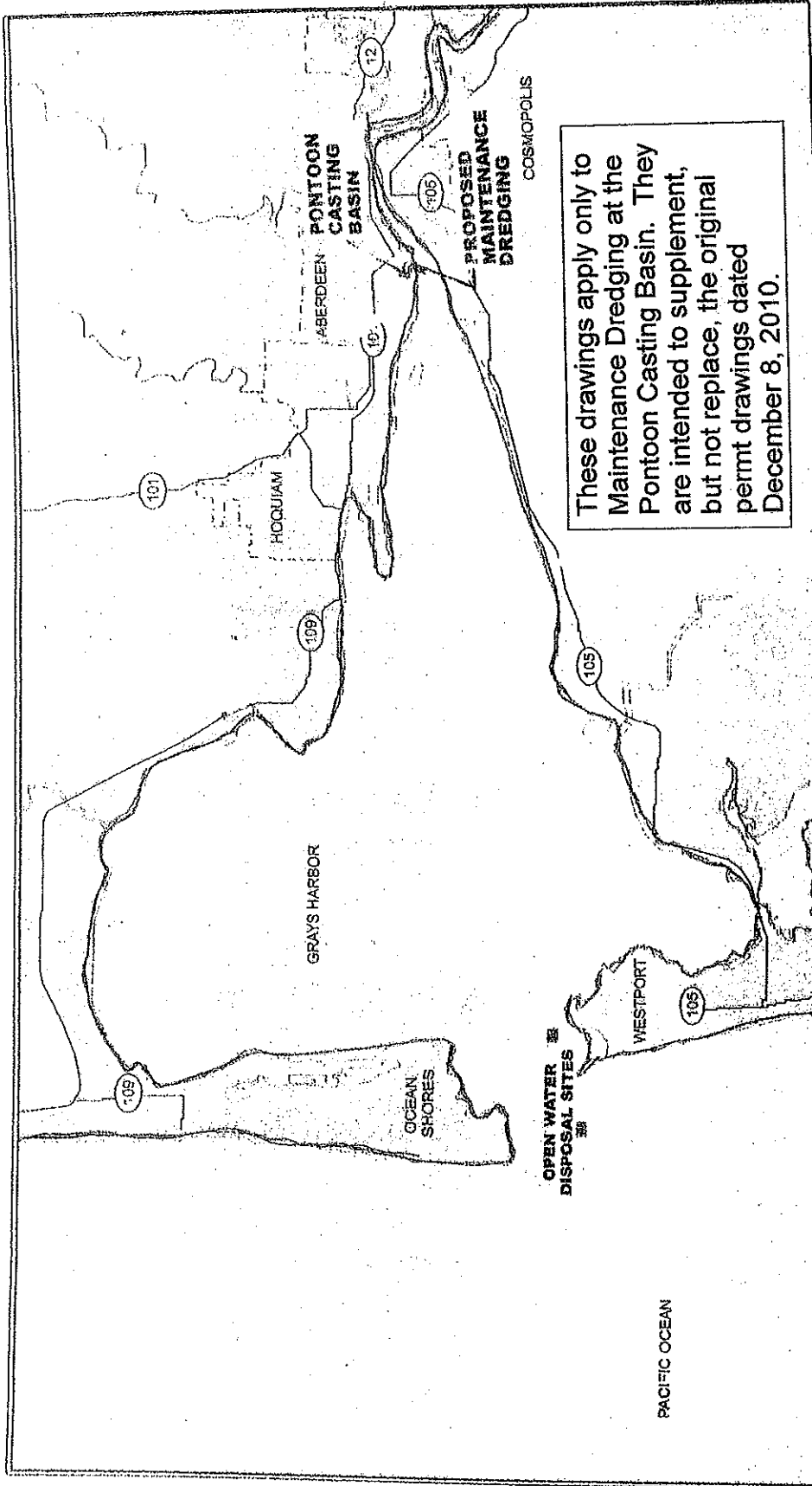
If you have any questions, please contact Ms. Rebecca Mcandrew at (206) 764-6912 or by e-mail at [rebecca.e.mcandrew@usace.army.mil](mailto:rebecca.e.mcandrew@usace.army.mil).

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

  
for Bruce A. Estok  
Colonel, Corps of Engineers  
District Engineer

Enclosure





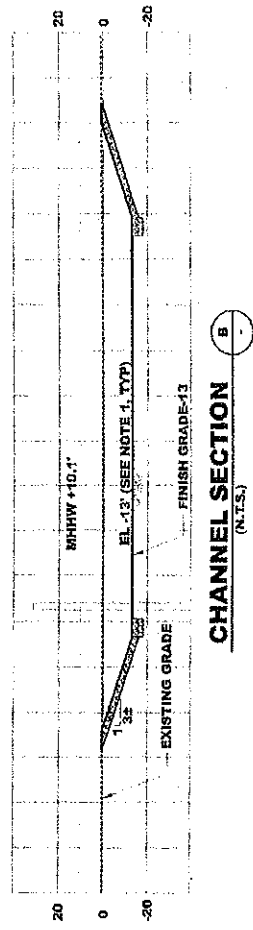
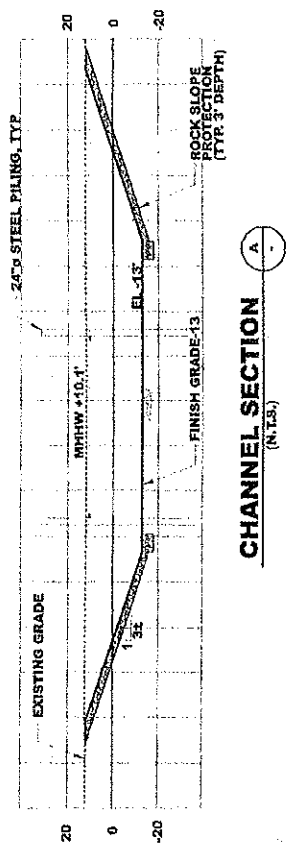
LEGEND  
 --- CITY LIMITS

 Washington State Department of Transportation	<b>PONTON CONSTRUCTION PROJECT</b>	<b>PERMIT DRAWINGS</b>
	PURPOSE: Construct a Facility for the Fabrication of Pontoon for the Floating Portion of the Evergreen Point Bridge REFERENCE: NWS-2008-151 APPLICANT: WSDOT	

PROPOSED: Construct a Casting Basin in Grays Harbor and Adjacent Wetlands and Shores NEARBY: Grays Harbor Aberdeen COUNTY: Grays Harbor	DATUM: MLLW = 0.0 (NOS) MHHW = 8.2' SHEET 1 OF 11
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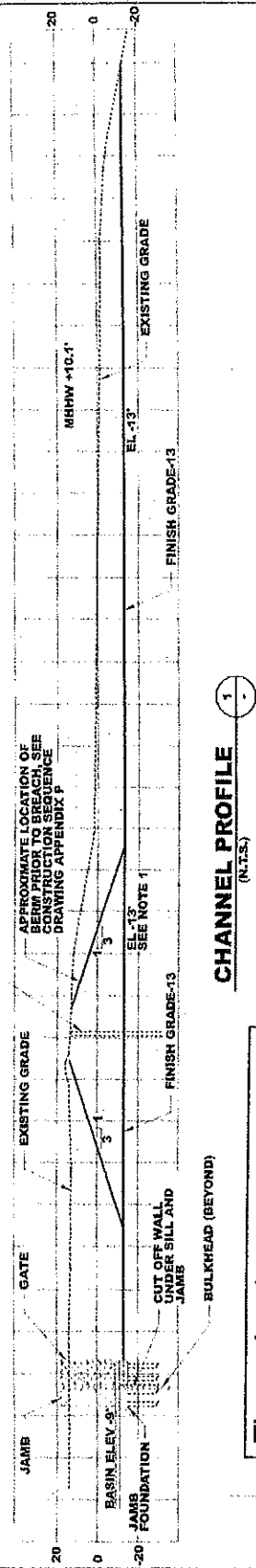






NOTE 1 - DREDGE ELEVATION SHOWN DOES NOT INCLUDE 2' OVERDREDGE ALLOWANCE

TEMPORARY SHEET PILE WALL



These drawings apply only to Maintenance Dredging at the Pontoon Casting Basin



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
SEATTLE DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 3755  
SEATTLE, WASHINGTON 98124-3755

APR 11 2013

Regulatory Branch

Mr. Dave Ziegler  
Washington State Department of Transportation  
999 Third Avenue, Suite 900  
Seattle, Washington 98101

Reference: NWS-2008-151  
WA St Dept of Transportation

Dear Mr. Ziegler:

We have received your request to modify the approved plans for the above-referenced Department of the Army permit. The original plans dated December 8, 2010, were to construct a pontoon casting basin and storage area and the supplemental plans dated October 24, 2011, were to conduct maintenance dredging and in-water disposal up to 25,000 cubic yards twice a year in wetlands, ditches, and Grays Harbor at Aberdeen, Washington. The modification consists of increasing the volume of maintenance dredging and in-water disposal up to 30,000 cubic yards twice a year. As a reminder, the maintenance dredging may be conducted until February 28, 2015. Your request for a permit modification is approved.

All other terms and conditions contained in the original permit remain in full force and effect. If you have any questions, please contact Ms. Rebecca McAndrew at [rebecca.e.mcandrew@usace.army.mil](mailto:rebecca.e.mcandrew@usace.army.mil) or at (206) 764-6912.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

for Bruce A. Estok  
Colonel, Corps of Engineers  
District Engineer





# HYDRAULIC PROJECT APPROVAL

RCW 77.55.021 - See appeal process at end of HPA

Coastal  
48 Devonshire Road  
Montesano, WA 98563  
(360) 249-4628

Issue Date: December 16, 2013  
Project Expiration Date: February 02, 2016

Control Number: 121776-7  
FPA/Public Notice #: N/A

## PERMITTEE

Washington State Department of Transportation  
ATTENTION: Dave Ziegler  
PO Box 1928  
Aberdeen, WA 98520  
206-770-3570

## AUTHORIZED AGENT OR CONTRACTOR

Washington State Department of Transportation  
ATTENTION: Scott White  
600 Stewart St Ste 520  
Seattle, WA 98101  
206-770-3632

Project Name: SR 520 Pontoon Construction Project

Project Description: Develop a casting basin site in Aberdeen for the construction of floating bridge pontoons, a pontoon moorage site, and a compensatory mitigation area for unavoidable project impacts. 121776-02 incorporates fish handling provisions. 121776-03 modified to include three (3) temporary tide gates to construct access road.

E.3

At the request of Chris Czesla of WSDOT, on November 6, 2013, this Hydraulic Project Approval (HPA) reflects a modification to the timing limitation of maintenance dredging. Maintenance dredging within the footprint of the constructed launch channel shall be allowed any time of year prior to the fourth float out approximately scheduled for April of 2014. No other work below the ordinary high water line is authorized outside of the normal in-water work window listed below.

At the request of Dave Ziegler of WSDOT, on February 25, 2013, this HPA reflects the addition of fish handling and fish resource provisions as described in the approved Fish Handling Plan dated February 21, 2013. Any future revisions to the Fish Handling Plan shall be reviewed and approved by WDFW prior to implementation.

At the request of Dave Ziegler of WSDOT, on February 25, 2013, this HPA reflects a modification to the authorized volume allowed during maintenance dredging. During maintenance dredging operations, no dredging shall occur outside of the constructed launch channel.

## PROVISIONS

Pontoon Construction Site:

NOTE: Provisions 1-42 apply to the pontoon construction site.

1. TIMING LIMITATIONS: The project may begin immediately and shall be completed by February 2, 2016, provided:

a. Work below the ordinary high water line shall not occur from March 1 through June 14 of any



Issue Date: December 16, 2013  
Project Expiration Date: February 02, 2016

Control Number: 121776-7  
FPA/Public Notice #: N/A

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year for the protection of migrating juvenile salmonids.

b. Work below the ordinary high water line, limited to maintenance dredging within the footprint of the constructed launch channel is authorized to occur any time of year prior to the fourth float out tentitively to occur in April of 2014 only. No other work below the ordinary high water line is authorized outside of the above work window.

2. NOTIFICATION REQUIREMENT: The permittee or contractor shall notify the Area Habitat Biologist (AHB) listed below FAX (360)224-1229, or email (rehewgr@dfw.wa.gov) of the project start date. Notification shall be received by the AHB prior to the start of construction activities.

3. NOTIFICATION REQUIREMENT: The Enforcement Sergeant listed below shall receive written notification (FAX (360)224-1229 or mail: 48 Devonshire Rd, Montesano WA 98563) from the person to whom this Hydraulic Project Approval (HPA) is issued (permittee) or the agent/contractor no less than three working days prior to start of work, and again within seven days of completion of work to arrange for a compliance inspection. The notification shall include the permittee's name, project location, starting date for work or completion date of work, and the control number for this HPA.

4. PLANS: Work shall be accomplished per plans and specifications approved by the Washington Department of Fish and Wildlife entitled Pontoon Construction Project, Permit Drawings dated 10/10/2010 and Water Quality Monitoring & Protection Plan dated 12/17/2010 or most recent update approved by the WA Dept. of Ecology, and Fish Handling Plan dated 2/21/2013 or most recent update that has been approved by WFDW, except as modified by this Hydraulic Project Approval. A copy of these plans and this HPA shall be available on site during construction.

5. Use of equipment shall be conducted from the landward side of the project or from a barge.

6. Equipment used for this project shall be free of external petroleum-based products while working around the water. Equipment shall be checked daily for leaks and any necessary repairs shall be completed prior to commencing work activities around the water.

#### OUTFALL INSTALLATION:

7. As specified in the approved plans, seven new storm water outfalls shall be installed. Two in the west ditch, two in the east ditch, and three in the launch channel.

8. The outfall installation shall be accomplished in the dry or in isolation from the ditch flow by the installation of a sandbag revetment or bypass flume, or by pumping the stream flow around the work area.

9. Any device used for diverting water from a fish-bearing stream shall be equipped with a fish guard to prevent passage of fish into the diversion device pursuant to RCW 77.57.010 and 77.57.070. The pump intake shall be screened with 1/8-inch mesh to prevent fish from entering the system. The screened intake shall consist of a facility with enough surface area to ensure that the

Issue Date: December 16, 2013

Control Number: 121776-7

Project Expiration Date: February 02, 2016

FPA/Public Notice #: N/A

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velocity through the screen is less than 0.4 feet per second. Screen maintenance shall be adequate to prevent injury or entrapment to juvenile fish and the screen shall remain in place whenever water is withdrawn from the stream through the pump intake.

10. A sandbag revetment or similar device shall be installed at the downstream end of the bypass to prevent backwater from entering the work area.

11. Quarry spalls used to create splash pads shall be composed of clean, angular material of a sufficient durability and size to prevent its being broken up or washed away by high flow, high water or wave action.

12. Excess sand, gravel, fill, or native materials removed from the site shall be disposed at an upland site such that they do not re-enter surface waters of the state.

13. All earth areas adjacent to the stream that have been exposed or disturbed by this project shall be graded to a stable grade, seeded with a suitable erosion control seed mix, and protected from erosion with a straw mulch or equivalent within seven (7) days of project completion.

14. All energy dissipation devices and pipeline outfalls shall be free of obstructions for the life of the project to ensure proper functioning of the storm water system. The outfall structure shall be maintained or repaired to prevent the entry of fish.

15. Prior to releasing the water flow to the project area, all bank protection or armoring shall be completed.

16. Upon completion of the project, all material used in the temporary sandbag revetment or bypass shall be removed from the site and the site returned to preproject or improved conditions.

17. As agreed upon in the email entitled HPA Revised conditions and additional information, dated 1/17/2011; all conservation measures and BMPs outlined in Water Quality Monitoring & Protection Plan dated 12/17/2010 and all debris and garbage shall be removed from the west and east ditches and deposited in an appropriate upland facility as mitigation for installing the two storm water outfalls in the west ditch before the authorized work window. The limits of the onetime cleanup will run the length of the ditch along the property line, except that both sides of the ditch will have trash removed (even where they are in outside the property line).

#### INFRASTRUCTURE INSTALLATION:

18. The approximately 750 linear feet of temporary steel sheet pile shall be installed "in the dry" and with a vibratory hammer. Upon completion of the project, all material used in the temporary sheet pile structures shall be removed from the site.

19. As specified in the JARPA, in-board piling and rip rap, pre-assembled gate, bulkhead walls and the trestle shall be installed 'in the dry'.

Issue Date: December 16, 2013

Control Number: 121776-7

Project Expiration Date: February 02, 2016

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20. If concrete is poured onsite, wet concrete shall be prevented from entering waters of the state. Forms for any concrete structure shall be constructed to prevent leaching of wet concrete. Forms and impervious materials shall remain in place until the concrete is cured.

21. All treated lumber to be used for the project shall meet or exceed the standards established in 'Best Management Practices For the Use of Treated Wood in Aquatic and Other Sensitive Environments' developed by the Western Wood Preservers Institute, Wood Preservation Canada, Southern Pressure Treaters' Association, and Timber Piling Council, dated August 1, 2006, and any current amendments or addenda to it. Current amendments and addenda include but may not be limited to 'Amendment #1: CCA 'Chromated Copper Arsenate', dated October 25, 2006; and 'Addendum #1: ACC 'Acid Chromated Copper', dated February 28, 2007.

22. Sawdust, drillings, and trimmings from treated wood or plastic shall be contained with tarps or other impervious materials and prevented from contact with the beach, bed or waters of the state.

23. Under no circumstances shall creosote treated piling or lumber be used for project construction.

### REMOVAL OF EXISTING WOOD PILES:

24. As specified in the JARPA, approximately 32 existing wood piles shall be removed from the launch channel area before dredging. A vibratory hammer shall be used to remove piling from the bed. In the event that the piles cannot be completely removed then the remainder of the pile shall be removed with a clamshell bucket, chain, or similar means, or cut off 2 ft below the mudline and the holes filled in with clean material.

25. If any of the existing wood piles are creosote, a containment booms and absorbent sausage booms (or other oil absorbent fabric) shall be placed around the perimeter of the work area to capture wood debris, oil, and other materials released into marine waters as a result of construction activities. All accumulated debris shall be collected and disposed upland at an approved disposal site.

### LAUNCH CHANNEL DREDGING:

26. As illustrated in the project plans, approximately 87,000 cubic yards of sand and silt will be initially dredged to create a launch channel approximately 138 feet wide, 430 feet long and 13 feet below MLLW, plus 2-ft allowable over-dredge with 3:1 side slopes.

27. All floatable material resulting from construction activities shall be collected and disposed of upland.

28. All natural habitat features on the beach larger than 12 inches in diameter, including trees, stumps, logs, and large rocks, shall be retained on the beach following construction. These habitat features may be moved during construction if necessary.

29. All existing debris or other deleterious materials resulting from dredging activities shall be

Issue Date: December 16, 2013

Control Number: 121776-7

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removed and disposed of upland such that it does not enter waters of the state.

30. Dredging shall be conducted with a clamshell dredge. The clamshell shall be operated to minimize turbidity. During excavation, each pass with the clamshell bucket shall be complete.

31. Per plan specifications, dredged materials shall be placed on the barge in a manner that minimizes splashing of sediments. Dropping of sediment from high elevation shall be avoided.

32. Dredged material shall not be stockpiled below the ordinary high water line.

33. As specified in the application, dredged materials shall be disposed at either the Point Chehalis or South Jetty open-water disposal site or another site specified by the Washington Department of Natural Resources and/or the US Army Corps of Engineers.

34. Approximately 18,000 cubic yards of rip rap shall be placed on the side of the launch channel. No rip rap shall be placed on the bottom of the launch channel. Rip rap used for slope protection shall be composed of clean, angular material of a sufficient durability and size to prevent its being broken up or washed away by high water or wave action.

35. Maintenance dredging shall be confined to the existing footprint illustrated in your project plans dated October 2010, except as modified by this Hydraulic Project Approval. Maintenance dredging before each pontoon launch shall remove between 13,000 to 30,000 cubic yards.

#### INSTALLATION OF IN-WATER PILING:

36. As specified in the application, all piles shall be either steel or untreated wood. Approximately 50 (24 inch diameter) steel piles, two turning dolphins (one 60 inch and two 30 inch steel piles per dolphin), and 10 (untreated wood) navigational markers shall be placed in the launch channel.

37. The use of both a vibratory and impact hammer is authorized under this HPA. If an impact hammer is required to proof or drive steel piles, the following sound attenuation methods shall be required:

a. For steel piles, 10 inches in diameter or less, a 6 inch thick wood block shall be installed between the piling and the impact hammer during pile driving operations or a bubble curtain shall be installed around the pile during pile driving operations.

b. For steel piles greater than 10 inches in diameter, a bubble curtain shall be installed around the pile during pile driving operations.

c. A bubble curtain or other WDFW approved sound attenuation device shall be used for all impact pile-driving activities (including proofing) on steel piles greater than 10-inches in diameter.

#### WATER QUALITY:

Issue Date: December 16, 2013

Control Number: 121776-7

Project Expiration Date: February 02, 2016

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38. If at any time, as a result of project activities, fish are observed in distress, a fish kill occurs, or water quality problems develop (including equipment leaks or spills), immediate notification shall be made to the Washington Military Department's Emergency Management Division at 1-800-258-5990, and to the Area Habitat Biologist listed below.

39. Project activities shall not degrade water quality to the detriment of fish life.

40. Measures shall be taken to ensure that no petroleum products, hydraulic fluid, fresh cement, sediments, sediment-laden water, chemicals, or any other toxic or deleterious materials are allowed to enter or leach into surface waters.

41. Project activities shall be conducted to minimize siltation of the beach area and bed.

42. An emergency spill containment kit must be located on site along with a pollution prevention plan detailing planned fueling, materials storage, and equipment storage. Waste storage areas must be prepared to address prevention and cleanup of accidental spills.

Pontoon Storage Site:

NOTE: Provisions 43-54 apply to the pontoon storage site.

43. TIMING LIMITATIONS: The project may begin immediately and shall be completed by February 3, 2016, provided:

a. Work below the ordinary high water line shall not occur from March 1 through June 14 of any year for the protection of migrating juvenile salmonids.

44. NOTIFICATION REQUIREMENT: The permittee or contractor shall notify the Area Habitat Biologist (AHB) listed below FAX (360)224-1229, or email (rehewgr@dfw.wa.gov) of the project start date. Notification shall be received by the AHB prior to the start of construction activities.

45. NOTIFICATION REQUIREMENT: The Enforcement Sergeant listed below shall receive written notification (FAX (360)224-1229 or mail: 48 Devonshire Rd, Montesano WA 98563) from the person to whom this Hydraulic Project Approval (HPA) is issued (permittee) or the agent/contractor no less than three working days prior to start of work, and again within seven days of completion of work to arrange for a compliance inspection. The notification shall include the permittee's name, project location, starting date for work or completion date of work, and the control number for this HPA.

46. PLANS: Work shall be accomplished per plans and specifications approved by the Washington Department of Fish and Wildlife entitled 520 Bridge Grays Harbor Mooring and dated 12/31/2010, except as modified by this Hydraulic Project Approval. A copy of these plans shall be available on site during construction.

47. The mooring buoy shall be deployed at the location indicated on the site plan submitted and

Issue Date: December 16, 2013

Control Number: 121776-7

Project Expiration Date: February 02, 2016

FPA/Public Notice #: N/A

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approved by WDFW. The Area Habitat Biologist listed below may approve deployment at a different location than that in the approved plans.

48. The mooring buoy system shall be located to avoid shading impacts from vessels and/or damage from vessel props to eelgrass, kelp, other significant macroalgae species, or Pacific herring spawning.

49. The buoy system shall be installed and used in a manner that will not damage the bed or aquatic vegetation as a result of anchor or chain movement for the life of the buoy system. The anchor chains and under runner lines for each mooring berth shall be pre-tensioned at the time of installation, such that all chains and lines in the system remain above the seabed at low tide.

50. Floatation for the buoy shall be fully enclosed and contained to prevent breakup or loss of floatation material into the water.

#### WATER QUALITY:

51. If at any time, as a result of project activities, fish are observed in distress, a fish kill occurs, or water quality problems develop (including equipment leaks or spills), immediate notification shall be made to the Washington Military Department's Emergency Management Division at 1-800-258-5990, and to the Area Habitat Biologist listed below.

52. Project activities shall not degrade water quality to the detriment of fish life.

53. Measures shall be taken to ensure that no petroleum products, hydraulic fluid, fresh cement, sediments, sediment-laden water, chemicals, or any other toxic or deleterious materials are allowed to enter or leach into surface waters.

54. Project activities shall be conducted to minimize siltation of the beach area and bed.

NOTE: The mooring buoy should be marked with a Department of Natural Resources issued identification number, or a Washington Department of Fish and Wildlife (WDFW) identification number consisting of the Hydraulic Project Approval (HPA) Control Number followed by WDFW. For example, if the HPA Control Number is 0000566456-01, then the mooring buoy identification number is 566456-01WDFW.

#### Grass Creek Mitigation Site:

NOTE: Provisions 55-75 apply to the compensatory mitigation site.

55. TIMING LIMITATIONS: The project may begin immediately and shall be completed by February 3, 2016, provided:

a. Work below the Mean Higher High Water line shall not occur from March 1 through June 14 of any year for the protection of migrating juvenile salmonids.



Issue Date: December 16, 2013

Control Number: 121776-7

Project Expiration Date: February 02, 2016

FPA/Public Notice #: N/A

56. NOTIFICATION REQUIREMENT: The permittee or contractor shall notify the Area Habitat Biologist (AHB) listed below FAX (360)224-1229, or email (rehewgr@dfw.wa.gov) of the project start date. Notification shall be received by the AHB prior to the start of construction activities.

57. NOTIFICATION REQUIREMENT: The Enforcement Sergeant listed below shall receive written notification (FAX (360)224-1229 or mail: 48 Devonshire Rd, Montesano WA 98563) from the person to whom this Hydraulic Project Approval (HPA) is issued (permittee) or the agent/contractor no less than three working days prior to start of work, and again within seven days of completion of work to arrange for a compliance inspection. The notification shall include the permittee's name, project location, starting date for work or completion date of work, and the control number for this HPA.

58. PLANS: Work shall be accomplished per plans and specifications approved by the Washington Department of Fish and Wildlife entitled Draft Wetland and Aquatic Resources Mitigation Report and dated December 2010, except as modified by this Hydraulic Project Approval. A copy of these plans shall be available on site during construction.

59. As specified in the approved plans, mitigation for unavoidable impacts from the construction of the SR520 pontoon construction site will occur at the Grass Creek mitigation site. Mitigation includes:

- a) removal of approximately 1.1 acres of earthen dike (approximately 2900 linear feet);
- b) creation of approximately 0.62 acres of open mudflats;
- c) rehabilitation of approximately 4.13 acres of degraded tidal channels;
- d) removal of culvert/tide gate structures;
- e) monitor compensatory mitigation area for ten years.

#### EQUIPMENT:

60. Equipment shall not operate and project activities shall not occur when the project area is inundated by tidal waters.

61. Equipment shall be operated to minimize turbidity. During excavation, each pass with the bucket shall be complete. Excavated material not used to fill in ditches shall not be stockpiled in or near the water.

62. Equipment used for this project shall be free of external petroleum-based products while working around the water. Accumulation of soils or debris shall be removed from the drive mechanisms (wheels, tires, tracks, etc.) and undercarriage of equipment prior to its working below the ordinary high water line. Equipment shall be checked daily for leaks and any necessary repairs shall be completed prior to commencing work activities along the stream.

#### REMOVAL OF EXISTING STRUCTURES:



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63. As specified in the application, the culvert/tide gate structures will be permanently removed and not replaced.

64. Erosion control methods shall be used to prevent silt-laden water from entering the stream. These may include, but are not limited to, straw bales, filter fabric, temporary sediment ponds, check dams of pea gravel-filled burlap bags or other material, and /or immediate mulching of exposed areas.

65. All manmade debris on the beach and bed shall be removed and disposed of upland such that it does not enter waters of the state. Debris includes, but is not limited to, old fences, concrete, asphalt, tires, creosote wood, treated wood, painted wood, metal, cables, wires, plastic, floats, and other synthetic materials. Untreated wood may be left on the bank.

#### EXCAVATION OF TIDAL CHANNELS/REMOVAL OF DIKE:

66. As specified in the plans entitled TESC details and dated 5/4/2011, three (3) temporary tide gates shall be installed to construct the access road at Grass Creek Mitigation Site. The temporary tide gates and sand bags shall be removed and the area regraded to match the previous conditions within 72 hours of completion of the project.

67. Material removed from the exterior berm shall be used to fill all borrow ditches. Any excess material shall be disposed of upland at an approved site.

68. Disturbance of intertidal wetland vascular plants and mudflat areas shall be minimized to the degree necessary to remove the dike. Use of equipment on the bed shall be limited to that necessary to remove dikes and grade soils to appropriate elevations. All efforts shall be taken to minimize tracking, or leaving impressions in the habitat that cannot be readily effaced by tidal or wave action.

69. Upon completion of the excavation and filling, the borrow ditches shall contain no pits, potholes, or large depressions to strand fish.

#### HABITAT FEATURES:

70. Alteration or disturbance of the bank and bank vegetation shall be limited to that necessary to construct the project.

71. All natural habitat features on the beach larger than 12 inches in diameter, including stumps, logs, and large rocks, shall be retained on the beach following construction. These habitat features may be moved during construction if necessary.

#### WATER QUALITY:

72. If at any time, as a result of project activities, fish are observed in distress, a fish kill occurs, or water quality problems develop (including equipment leaks or spills), immediately stop work except

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for efforts to control leaks or spills or prevent toxic substances from entering the water and notify the Washington Military Department's Emergency Management Division at 1-800-258-5990, and the Area Habitat Biologist listed below. Work shall not restart on the project until approved by the Area Habitat Biologist.

73. Measures shall be taken to ensure that no petroleum products, hydraulic fluid, fresh cement, sediments, sediment-laden water, chemicals, or any other toxic or deleterious materials are allowed to enter or leach into surface waters.

74. Project activities shall be conducted to minimize siltation.

75. Project activities shall not degrade water quality to the detriment of fish life.

76. If high flow conditions that may cause siltation are encountered during this project, work shall stop until the flow subsides.

#### FISH HANDLING PROVISIONS

77. Per email date May 2, 2011 Fish Handling may occur at the following locations: Channel E connection, Channel G connection, and in areas where fish exclusion measures or perimeter dike are overtopped by tides or flows.

78. Per email date May 2, 2011 Fish Exclusion (e.g., w/ block nets) will be used at: Perimeter ditch between channel E and D; Perimeter ditch between channel D and C; Perimeter ditch between channel G and B; Perimeter ditch between channel B and A; and installation of tide channel blocks or temporary access road features in channels A and B.

79. Fish capture and exclusion shall follow WSDOT Fish Exclusion Protocols and Standards except as modified below.

80. Fish shall be handled with extreme care and kept in water at all times during transfer procedures. A healthy environment for the stressed fish shall be provided. The transfer of fish shall be conducted using shaded or dark large buckets (five gallon minimum to prevent overcrowding) and minimal handling of fish. There should not be overcrowding in the buckets and holding time should be minimized. Large fish should be kept separated from smaller prey-sized fish to avoid predation during containment. The water temperature in the transfer buckets should not exceed the temperature of cold pool water in the subject stream. Retain fish the minimum time possible to ensure that stress is minimized, temperatures do not rise, and dissolved oxygen remains suitable. Supplemental oxygen (aeration) shall be considered in designing fish handling operations. Release fish as near as possible to the isolated reach in a pool or area that provides cover and flow refuge.

81. This HPA now supersedes all previous HPAs for this project.

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## PROJECT LOCATIONS

### Location #1 Pontoon Construction Site

WORK START: December 16, 2013				WORK END: February 02, 2016		
WRIA: 22.9000		Waterbody: Wria 22 Marine			Tributary to:	
1/4 SEC: NW 1/4	Section: 17	Township: 17 N	Range: 09 W	Latitude: N 46.9502	Longitude: W 123.8168	County: Grays Harbor
Location #1 Driving Directions						

### Location #2 Pontoon Storage Site

WORK START: December 16, 2013				WORK END: February 02, 2016		
WRIA: 22.9000		Waterbody: Wria 22 Marine			Tributary to:	
1/4 SEC: Center	Section: 99	Township: 99	Range: 99	Latitude: N 46.9244	Longitude: W 124.035	County: Grays Harbor
Location #2 Driving Directions						

### Location #3 Grass Creek Mitigation Site

WORK START: December 16, 2013				WORK END: February 02, 2016		
WRIA: 22.0135		Waterbody: Grass Creek			Tributary to: Grays Harbor	
1/4 SEC: NW 1/4	Section: 36	Township: 18 N	Range: 11 W	Latitude: N 47.0139	Longitude: W 122.8914	County: Grays Harbor
Location #3 Driving Directions						

## APPLY TO ALL HYDRAULIC PROJECT APPROVALS

This Hydraulic Project Approval pertains only to those requirements of the Washington State Hydraulic Code, specifically Chapter 77.55 RCW (formerly RCW 77.20). Additional authorization from other public agencies may be necessary for this project. The person(s) to whom this Hydraulic Project Approval is issued is responsible for applying for and obtaining any additional authorization from other public agencies (local, state and/or federal) that may be necessary for this project.

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This Hydraulic Project Approval shall be available on the job site at all times and all its provisions followed by the person(s) to whom this Hydraulic Project Approval is issued and operator(s) performing the work.

This Hydraulic Project Approval does not authorize trespass.

The person(s) to whom this Hydraulic Project Approval is issued and operator(s) performing the work may be held liable for any loss or damage to fish life or fish habitat that results from failure to comply with the provisions of this Hydraulic Project Approval.

Failure to comply with the provisions of this Hydraulic Project Approval could result in a civil penalty of up to one hundred dollars per day and/or a gross misdemeanor charge, possibly punishable by fine and/or imprisonment.

All Hydraulic Project Approvals issued under RCW 77.55.021 are subject to additional restrictions, conditions, or revocation if the Department of Fish and Wildlife determines that changed conditions require such action. The person(s) to whom this Hydraulic Project Approval is issued has the right to appeal those decisions. Procedures for filing appeals are listed below.

**MINOR MODIFICATIONS TO THIS HPA:** You may request approval of minor modifications to the required work timing or to the plans and specifications approved in this HPA. A minor modification to the required work timing means up to a one-week deviation from the timing window in the HPA when there are no spawning or incubating fish present within the vicinity of the project. You may request subsequent minor modifications to the required work timing. A minor modification of the plans and specifications means any changes in the materials, characteristics or construction of your project that does not alter the project's impact to fish life or habitat and does not require a change in the provisions of the HPA to mitigate the impacts of the modification. Minor modifications do not require you to pay additional application fees or be issued a new HPA. To request a minor modification to your HPA, submit a written request that clearly indicates you are requesting a minor modification to an existing HPA. Include the HPA number and a description of the requested change and send by mail to: Washington Department of Fish and Wildlife, PO Box 43234, Olympia, Washington 98504-3234, or by email to [HPAapplications@dfw.wa.gov](mailto:HPAapplications@dfw.wa.gov). Do not include payment with your request. You should allow up to 45 days for the department to process your request.

**MAJOR MODIFICATIONS TO THIS HPA:** You may request approval of major modifications to any aspect of your HPA. Any approved change other than a minor modification to your HPA will require issuance of a new HPA. If you paid an application fee for your original HPA you must include payment of \$150 with your written request or request billing to an account previously established with the department. If you did not pay an application fee for the original HPA, no fee is required for a change to it. To request a major modification to your HPA, submit a written request that clearly indicates you are requesting a major modification to an existing HPA. Include the HPA number, check number or billing account number, and a description of the requested change. Send your written request and payment, if applicable, by mail to: Washington Department of Fish and Wildlife, PO Box 43234, Olympia, Washington 98504-3234. If you are charging the fee to a billing account number or you are not subject to the fee, you may email your request to [HPAapplications@dfw.wa.gov](mailto:HPAapplications@dfw.wa.gov). You should allow up to 45 days for the department to process your request.

### APPEALS INFORMATION

If you wish to appeal the issuance, denial, conditioning, or modification of a Hydraulic Project Approval (HPA), Washington Department of Fish and Wildlife (WDFW) recommends that you first contact the department employee who issued or denied the HPA to discuss your concerns. Such a discussion may resolve your concerns without the need for further appeal action. If you proceed with an appeal, you may request an informal or formal appeal. WDFW encourages you to take advantage of the informal appeal process before initiating a formal appeal. The informal appeal process includes a review by department management of the HPA or denial and often resolves issues faster and with less legal complexity than the formal appeal process. If the informal appeal process does not resolve your concerns, you may advance your appeal to the formal process. You may contact the HPA Appeals Coordinator at (360) 902-2534 for more information.

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A. INFORMAL APPEALS: WAC 220-110-340 is the rule describing how to request an informal appeal of WDFW actions taken under Chapter 77.55 RCW. Please refer to that rule for complete informal appeal procedures. The following information summarizes that rule.

A person who is aggrieved by the issuance, denial, conditioning, or modification of an HPA may request an informal appeal of that action. You must send your request to WDFW by mail to the Washington Department of Fish and Wildlife HPA Appeals Coordinator, 600 Capitol Way North, Olympia, Washington 98501-1091; e-mail to [HPAapplications@dfw.wa.gov](mailto:HPAapplications@dfw.wa.gov); fax to (360) 902-2946; or hand-delivery to the Natural Resources Building, 1111 Washington St SE, Habitat Program, Fifth floor. WDFW must receive your request within 30 days from the date you receive notice of the decision. If you agree, and you applied for the HPA, resolution of the appeal may be facilitated through an informal conference with the WDFW employee responsible for the decision and a supervisor. If a resolution is not reached through the informal conference, or you are not the person who applied for the HPA, the HPA Appeals Coordinator or designee will conduct an informal hearing and recommend a decision to the Director or designee. If you are not satisfied with the results of the informal appeal, you may file a request for a formal appeal.

B. FORMAL APPEALS: WAC 220-110-350 is the rule describing how to request a formal appeal of WDFW actions taken under Chapter 77.55 RCW. Please refer to that rule for complete formal appeal procedures. The following information summarizes that rule.

A person who is aggrieved by the issuance, denial, conditioning, or modification of an HPA may request a formal appeal of that action. You must send your request for a formal appeal to the clerk of the Pollution Control Hearings Boards and serve a copy on WDFW within 30 days from the date you receive notice of the decision. You may serve WDFW by mail to the Washington Department of Fish and Wildlife HPA Appeals Coordinator, 600 Capitol Way North, Olympia, Washington 98501-1091; e-mail to [HPAapplications@dfw.wa.gov](mailto:HPAapplications@dfw.wa.gov); fax to (360) 902-2946; or hand-delivery to the Natural Resources Building, 1111 Washington St SE, Habitat Program, Fifth floor. The time period for requesting a formal appeal is suspended during consideration of a timely informal appeal. If there has been an informal appeal, you may request a formal appeal within 30 days from the date you receive the Director's or designee's written decision in response to the informal appeal.

C. FAILURE TO APPEAL WITHIN THE REQUIRED TIME PERIODS: If there is no timely request for an appeal, the WDFW action shall be final and unappealable.

ENFORCEMENT: Sergeant Nixon (42) P2

Habitat Biologist  
Amy Spoon

360-249-1228

for Director  
WDFW

CC:





City of  
Aberdeen



Community Development Department  
200 East Market Street • Aberdeen, WA 98520-5242  
PHONE (360) 537-3238 • EMAIL lscott@aberdeeeninfo.com  
FAX (360) 537-3350 • TDD (360) 533-6668

## Shoreline Management Act Permit Date Sheet and Transmittal Letter

**From:** Community Development Department  
City of Aberdeen  
200 East Market Street  
Aberdeen, WA 98520

**To:** DOE Shorelands Assistance Program  
State of Washington  
P.O. Box 47775  
Olympia, WA 98504-7775

**Date of Transmittal:** January 19, 2011

**Date of Receipt:**

**Type of Permit:** Substantial Development ☒; Conditional Use ☐; Variance ☒; Revision ☐; Other ☐

**Local Government Decision:** Approval ☒; Conditional Approval ☐; Denial ☐.

**Applicant Information:**

**Applicant's Representative:**

**Name:** Washington State Department  
of Transportation  
**Address:** 600 Stewart Street, Suite 520  
Seattle, WA 98101

**Name:** Scott White  
**Address:** 600 Stewart Street, Suite 520  
Seattle, WA 98101

**Phone(s):** (206) 770-3570

**Phone(s):** (206) 770-3632

Is the applicant the property owner? ☒ Yes; ☐ No.

**Location of the Property:** The project is located in the northwest ¼ of Section 17, Township 17N, Range 9W, in Aberdeen, Grays Harbor County, Washington and bears the parcel numbers 029902000101, 029901800406 and 029901800401;

**Waterbody Name:** Chehalis River

**Shoreline of Statewide Significance:** ☒ Yes; ☐ No.

**Environmental Designation:** Urban Development

**Description of the Project:** The development of a casting basin for the construction of the floating bridge pontoons.

**Notice of Application Date:** November 15, 2010

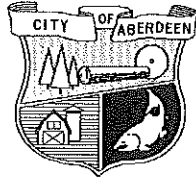
**Final Decision Date:** January 17, 2011

**By:**  Lisa Scott, Community Development Director

**Phone:** (360) 537-3238



City of  
Aberdeen



Community Development Department  
200 East Market Street • Aberdeen, WA 98520-5242  
PHONE (360) 537-3238 • EMAIL lscott@aberndeeninfo.com  
FAX (360) 537-3350 • TDD (360) 533-6668

## SHORELINE MANAGEMENT ACT OF 1971

### PERMIT FOR SHORELINE MANAGEMENT SHORELINE SUBSTANTIAL DEVELOPMENT

Application Number: 207  
Administering Agency: City of Aberdeen  
Date Received: November 15, 2010  
Date Approved: January 17, 2011  
Type of Action: Shoreline Substantial Development with Variance

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Pursuant to Aberdeen Municipal Code (AMC) Chapter 16.20 and Revised Code of Washington (RCW) Chapter 90.58, a permit is hereby granted to:

**Washington State Department of Transportation  
600 Stewart Street, Suite 520  
Seattle, WA 98101**

to undertake the following development:

**The development of a casting basin for the construction of the floating bridge pontoons;**

upon the following property:

**This project is located in the Northwest ¼ of Section 17, Township 17N, Range 9W, in Aberdeen, Grays Harbor County, Washington and bears the parcel numbers: 029902000101, 029901800406 and 029901800401;**

within the shorelines and associated wetlands of:

**The Chehalis River, a Shoreline of Statewide Significance.**

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The following Shoreline Master Program provisions are applicable to this proposal: AMC Chapter 16.20.060 Siting Regulations, Chapter 16.20.070 Design Regulations, Chapter 16.20.080 Earth Changing regulations, Chapter 16.20.090 for Public Access, Chapter 16.20.100 Restoration, Chapter 16.20.110 Scenic Views and Vistas, Chapter 16.20.120 Valuable Site and Structure Protection Regulations, Chapter 16.20.140 Urban Regulations and Chapter 16.20.200 Variance. Additionally, Washington Administrative Code (WAC) Chapter 173-27-150 provides direction concerning the review criteria for substantial development permits and WAC 173-27-170 provides direction concerning the review criteria for Variance Permits. The Grays Harbor Estuary Management Plan as part of the Shoreline Master Program was also used in conjunction with this proposal.

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## Findings and Conclusions

1. The application contains sufficient information for review by the City of Aberdeen and the Washington State Department of Ecology.
2. The project, should it receive the required shoreline development approvals, will comply with all applicable city, state and federal codes and plans governing construction activities within the shoreline.
3. The proposal complies with the provisions of AMC Chapter 16.20.060 for *siting regulations*. The construction of the casting basin facility and pontoons are considered a permitted shoreline use. Because the need to transport the pontoons require water transportation, it is necessary to locate the facility on the shoreline. WSDOT went through the required site selection process and determined that this particular site on this shoreline was the best location with the least amount of environmental impacts.
4. The proposal does not conflict with the provisions of AMC Chapter 16.20.070 for *design regulations*, as parking, accessory buildings and storage areas are located as far away from the shoreline as design and site constraints allow. Pilings will be placed in the water that could be considered as interfering with the passage of stream or floodwaters, but this action is specifically intended and authorized by the permit. The shoreline will be kept in its natural contour, shape and appearance other than a small portion that will be used for the launch channel. Water control devices, structures and dredging areas have been designed to minimize interference with navigation on the Chehalis River.
5. The proposal is consistent with the provisions of AMC Chapter 16.20.080 for *earthchanging regulations*, as the permit will be conditioned to include erosion and sediment control practices and all environmental precautions will be taken when dredging, removing fill and creating the berm on site.
6. The proposal is consistent with the provisions of AMC Chapter 16.20.090, *Public Access*. Public access will not be a required element for this project. The very nature of the project would create a public hazard. Less than ½ mile from the site is a public access area known as the 28<sup>th</sup> Street Boat Launch, which provides a viewing tower, public boat launch and temporary dock space.
7. The mitigation plan for this proposal complies with AMC Chapter 16.20.100 *Restoration*. After building all the pontoons planned for this project, WSDOT would retain ownership of the casting basin facility until it is determined whether the facility would be needed for construction of the additional pontoons needed as part of the proposed SR 520, I-5 to Medina: Bridge Replacement and HOV Project, which would require more pontoons than the proposed SR520 Pontoon Construction Project would provide. When the facility is no longer needed to build the Evergreen Point Bridge Pontoons, WSDOT might reopen the facility for currently unforeseen WSDOT projects, sell the property with the improvements or decommission the facility and restore the site to as close to its condition before

this project as possible before selling it. WSDOT has identified two points in time when a decision about the future use of the casting basin facility could potentially be made: 1) when the SR520 Pontoon Construction Project is completed, and 2) if and when the decision is made to use the facility to build pontoons for the proposed SR520, I-5 to Medina: Bridge Replacement and HOV Project, at the end of the pontoon construction for that project. Further use or decommission of the site would be a separate action that would require its own environmental process, permits, approval and consultation with agencies and interested tribes.

Because of the unknown future of the site and the potential for other pontoon projects though un-permitted, it would be unwise for the city to require complete restoration of the site at the completion of this first phase of the project. We concur with WSDOT'S conclusions regarding the future of the site and the city will agree to work with WSDOT to either, continue use of the site for pontoon construction, sell the site and improvements or restore the site.

8. The proposal is consistent with the provisions of AMC Chapter 16.20.110, *scenic views and vistas*. There are no adverse impacts to the scenic views and vistas. During construction of the casting basin heavy equipment and construction-related signage would be visible at and near the project site. During pontoon-building operations there would be low to no visual effects during daylight hours. Nighttime illumination on the facility would cause it to be visible from many locations in the area. Visibility of cranes and potentially the batch plant would be unavoidable for some residents in the hillside residential areas. These are typical views from this hillside residential area now. This site in particular, is shielded from other industrial sites and the few homes in the area. It is bordered by the Sewer Treatment Plant to the East of the site, the Port of Gray Harbor to the West of the site, Highway 105 to the South of the site and large trees, the railroad and warehouses to the North.
9. This proposal does not conflict with the provision of AMC Chapter 16.20.120, *valuable site and structure protection regulations*. Although the historical lumber mill and its various supporting structures were demolished in the 1960's, several of the more substantial foundations remain below the surface of the Aberdeen Log Yard site. Archaeological investigations uncovered the foundations of the boiler and engine rooms and the waste burner. However, WSDOT (on behalf of FHWA) has determined that this historic property is not eligible for the NRHP. FHWA and WSDOT submitted this determination to DAHP and received DAHP's concurrence on this finding. Two residential houses were evaluated as historic properties eligible for the NRHP because of their association with the development of residential architecture west of Aberdeen's central business district from the 1900's through the 1920's. They are located within the APE west of Aberdeen's central business district along the designated haul routes at 201 South Washington Street and 1101 West Wishkah Street.

10. This proposal is consistent with the provisions of AMC Chapter 16.20.130, *shoreline environment designation map-adoption of, regulation for*. This is an industrial site in an appropriate location.
11. The proposal is consistent with the provisions of AMC Chapter 16.20.140 for *urban environment regulations*. The SMP allows for water-related industries as a permitted use. The Industrial Zone in the AMC permits industrial activities. The GHEMP, Management Unit 15, Planning Area III indicates that this area represents the prime remaining area for large industrial expansion in immediate proximity to the navigation channel, land-based transportation facilities, other urban facilities and a local labor force. This planning area also notes that in the eastern portion of the planning area, which this property is located, the bankline will continue to be highly altered. This is the central area for major economic expansion in the Grays Harbor Region. As such, use of the land and water areas will be primarily for heavy industry directly related to the region's primary economy.
12. This proposal is consistent with AMC Chapter 16.20.150, *non-conformities*, as all structures and uses that will be associated with this site will be conforming.
13. The proposal is consistent with AMC Chapter 16.20.200. The applicant is applying for a Variance from the height limitation of 35 feet. The applicant is proposing to have four rail mounted tower cranes that range in various heights from 140 feet  $\pm$  to 270 feet  $\pm$  and used to move materials, the casting basin gate and the fish handling box around the site. It is understood that strict application of the shoreline regulations would cause an unnecessary hardship. The cranes are designed to work together at all different heights so that they can work at the same time and not interfere with each other. The height of the cranes is necessary because of the heavy loads and the layout of the site. In order for the cranes to function, they are designed at different heights and therefore need to run at heights that are outside of the code requirements of 35 feet in order to work. The proposed variance request would not be a grant of special privilege as other property owners in the area have exceeded the minimum heights in the shoreline. AGP, an adjacent tenant to the site, has structures currently under construction that will be over 300 feet in height, though outside of the shoreline, the tanks are visible from the site. The Port of Grays Harbor also has numerous structures and warehouses that are also above the 35 foot requirement of the shoreline. A hardship will be created by the failure to obtain the requested variance from the 35 foot height restriction, which would be attributable to the application of the city's SMP requirements and not as a result of unplanned action by the applicant. Should the variance not be granted, such a denial would significantly interfere with the reasonable use of this property, as defined in WAC Chapter 173-27-170 and what has already been established.
14. The issuance of this permit is consistent with the general purpose and intent of the Shoreline Master Program, the City's 1993 Zoning Ordinance and the City's 2001 Comprehensive Land use Plan. This project meets are the requirements of these

plans and ordinance's. It is an industrial use in a compatible area, it is a water-dependent use located on a shoreline that allows for the use and it meets the city's long range comprehensive plan, because the project is industrial in nature and follows the long range needs of the city.

15. The applicant has applied for a reasonable use exception to the City of Aberdeen's Critical Areas Ordinance. The application contains appropriate mitigation measures that make up for the disturbances to the wetland areas, geologically hazardous areas and fish and wildlife habitat conservations areas. Due to the location and the preexistence of the small wetlands across the site an appropriately sized industrial development could not be located on the site without impacting wetlands. Therefore strict protection of the wetlands in conformance with Chapter 14.100 would prohibit development of the site. Any industrial development would impact these wetlands due to their location and the size of the site. The proposed project has been designed to minimize impacts to wetlands and waterbodies around the edge of the site. Impacts to the interior site wetlands were unavoidable. 1.04 acres of Palustrine wetlands and 0.50 acres of Estuarine Wetlands were identified on site, of which only 1.10 acres are proposed to be filled for development. Approximately 2.87 acres of mudflats are proposed to be dredged to make room in the launch channel for pontoon movement to the shipping lane in the Chehalis River. These wetlands and mudflats are proposed to be mitigated through a separate shoreline permit action at Grays Harbor County. The proposed mitigation site is at Grass Creek and has been designed to meet all mitigation requirements for this project.

Impact to Critical Areas has been minimized to the maximum extent practicable and all remaining impacts to Critical Areas will be mitigated in conformance with the standards of the chapter. The project will be constructed to industry standards and all environmental impact including water quality will be compliant with regulatory standards. The project does not pose a threat to public health, safety or welfare. The project will mitigate for the loss of critical area functions and values as detailed in the Conceptual Wetland and Aquatic Resources Mitigation Report. The project will also have an impact to Fish and Wildlife Habitat Conservation Areas along the shoreline. This impact is allowed under AMC Chapter 14.100.530(k) for shoreline dependent uses. The proposed project, which has impacts to Habitat Areas, has been designed to minimize all unavoidable impacts. The project has also complied with the requirements of the Geological Hazards of the site, which include Liquefaction and Landslide areas and Seismic and Shaking potential. A Geotechnical Report was prepared for the site, which take into account and provide for these Geological Hazard Areas. Should the applicant receive the required shoreline development approvals for impacts to the environment, the applicant and the applicant's representative will comply with all applicable City, State and Federal codes and plans governing construction activities.



16. The proposal is consistent with the City's decision criteria set forth in both AMC Chapter 16.20.180 and WAC Chapter 173-27-150, with the public interest being served should the permit be issued as conditioned below.

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Development pursuant to this proposal shall be undertaken subject to the following terms and conditions:

1. All activity occurring in-water or near water shall comply with requirements as determined by the Department of Fish and Wildlife.
2. WSDOT and/or its contractor shall obtain all required permits from the Department of Natural Resources.
3. WSDOT and/or its contractor shall obtain all required permits from the U.S. Army Corps of Engineers.
4. WSDOT and/or its contractor shall obtain all required permits from the Department of Ecology.
5. All activities shall be performed in compliance with OSHA Standards.
6. WSDOT and/or its contractor shall ensure that the contractor receive all necessary construction permits from the City of Aberdeen.
7. WSDOT and/or its contractor shall ensure that all appropriate methods are in place to take care of all releases of oils, hydraulic fluids, fuels, other petroleum products, paints, solvents and other deleterious materials, spills are contained and removed in a manner that will prevent their discharge to waters and soils of the state. The cleanup of spills shall take precedence over other work.
8. WSDOT and/or its contractor will ensure that erosion control through the use of Best Management Practices as required to prevent side casting of fill material on to adjacent properties or into the water. All erosion and sediment control measures shall be in place prior to, during and after site improvements are completed or when control measures are no longer needed.
9. Equipment that enters waterways shall be maintained such that no visible sheen from petroleum projects appears within waterways. If a sheen appears around the equipment in the water, the equipment shall be contained within an oil boom and shall be

removed from the water, cleaned and/or maintained appropriately. If equipment leaks occur during work, WSDOT and/or its contractor shall ensure that the contractor shall see that the equipment is immediately removed from within the waterway to a location where pollutants cannot enter any waterway. The equipment shall not be allowed within the waterway until all leaks have been corrected and the equipment cleaned. Upland area where leaking equipment is stored is also cleaned/remediated immediately.

10. WSDOT and/or its contractor shall ensure that, during excavation of the mudflats, has equipment in place should any contaminated soils be released during the excavation and that proper disposal of the contaminated soils be followed.
11. Coverage under the National Pollution Discharge Elimination system (NPDES) and State Waste Discharge General Permit for Stormwater Discharges Associated with Construction Activities is required for construction sites which disturb an area of one acre or more and which have or will have a discharge or stormwater to surface water or a storm sewer.
12. The Variance for the height of the tower cranes will remain in place with this site, and not with just this project.
13. This permit shall be conditioned to meet all the mitigation requirements outlined in the final Record of Decision and specified in the permit application appendices.
14. Construction shall comply with the Record of Decision issued on January 10, 2011.
15. Substantial progress toward completion of this project shall be undertaken within 2 years of permit approval by the City of Aberdeen, with substantial progress including but not limited to the making of contracts, the signing of notice to proceed or the receipt of a City of Aberdeen Building Permit. The City of Aberdeen may authorize a single extension before the end of the time limit, with prior notice to parties of record and the Washington State Department of Ecology or its successor agency, for up to one year based on reasonable factors.
16. The Shoreline Substantial Development Permit with Variance shall terminate within 5 years after the approval of the permit by the City of Aberdeen, provided that the City may authorize a single extension before the end of the time limit, with prior notice

**to parties of record and the Department of Ecology or its successor agency, for up to one year based on reasonable factors.**

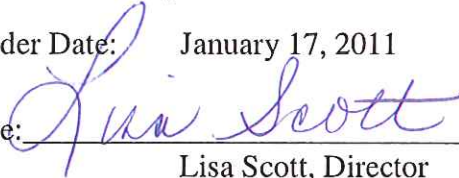
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This permit shall be rescinded pursuant to RCW 90.58.140(7) in the event the permittee fails to comply with the terms or conditions thereof.

Construction pursuant to this permit shall not begin or is not authorized until 21 days from the date of filing this local government final order with the regional office of the Department of Ecology and the Attorney General, and until all review proceedings initiated within 21 days from the date of such filing have terminated.

Final Order Date: January 17, 2011

Signature: \_\_\_\_\_



Lisa Scott, Director  
Community Development Department  
City of Aberdeen  
State of Washington

**TRANSMITTED** to the parties listed hereafter:

Mike Cotton, Washington State Department of Transportation  
Scott White, Applicant's Representative  
Rick Mraz, Washington State Department of Ecology  
Terry Swanson, Washington State Department of Ecology  
Bobb Nolan, Washington State Department of Ecology  
Jack Kennedy, U.S. Army Corps of Engineers  
Bill Rehe, Washington State Department of Fish & Wildlife  
Emily Teachout, U.S. Fish and Wildlife  
Ryan McReynolds, U.S. Fish and Wildlife  
Mike Lisitza, National Marine Fisheries Service  
Washington State Office of Attorney General  
File VSSD No. 207



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

January 26, 2011

Scott White  
Washington State Department of Transportation  
600 Stewart St, Ste 520  
Seattle, WA 98101

Re: City of Aberdeen Local Permit #2010- 207  
Scott White - Applicant  
Approved Shoreline Variance Permit #77  
Filed Shoreline Substantial Development Permit #543

Dear Mr. White:

On January 24, 2011 the Department of Ecology (Ecology) received the City of Aberdeen decisions on your Shoreline Substantial Development and Variance Permits for the development of a casting basin for the construction of the floating bridge pontoons within the shoreline jurisdiction of Grays Harbor.

**Substantial Development Permit (SDP):**

By law, local governments must review all SDPs for compliance with:

- The Shoreline Management Act (Chapter 90.58 RCW)
- Ecology's Substantial Development Permit approval criteria (Chapter 173-27-150 WAC)
- The Aberdeen Local Shoreline Master Program

Local governments, after reviewing SDPs for compliance, are required to submit them to Ecology. Your approved SDP has been received by Ecology.

**Variance Permit:**

By law, Ecology must review Variance Permits for compliance with:

- The Shoreline Management Act (Chapter 90.58 RCW)
- Ecology's Variance Permit approval criteria (Chapter 173-27-170 WAC)
- The Aberdeen Local Shoreline Master Program

After reviewing Variance Permits for compliance, Ecology must decide whether to approve, approve with conditions, or disapprove them.

**Our Decision:**

Ecology approves your Variance Permit provided your project complies with the conditions required by the City of Aberdeen. **Please note, however, that other federal, state, and local permits may be required in addition to this shoreline permit.**

**What Happens Next?**

Before you begin activities authorized by this permit, the law requires you to wait at least 21 days from



the "date of receipt" - the date you receive this letter or the date Aberdeen receives their copy of this letter. Date of receipt is defined in RCW 43.21B.001 as follows:

- (1) "Business days" means Monday through Friday exclusive of any state or federal holiday.
- (2) "Date of receipt" means:
  - (a) Five business days after the date of mailing; or
  - (b) The date of actual receipt, when the actual receipt date can be proven by a preponderance of the evidence. The recipient's sworn affidavit or declaration indicating the date of receipt, which is unchallenged by the agency, shall constitute sufficient evidence of actual receipt. The date of actual receipt, however, may not exceed forty-five days from the date of mailing.

This waiting period allows anyone (including you) who disagrees with any aspect of this permit, to appeal the decision to the state Shorelines Hearings Board. You must wait for the conclusion of an appeal before you can begin the activities authorized by this permit.

The Shorelines Hearings Board will notify you by letter if they receive an appeal. We recommend you contact the Shorelines Hearings Board before you begin permit activities to ensure no appeal has been received. They can be reached at (360) 664-9160 or <http://www.eho.wa.gov>.

If you want to appeal this decision, you can find appeal instructions (Chapter 461-08 WAC) at the Shorelines Hearings Board website above. They are also posted on the website of the Washington State Legislature at: <http://apps.leg.wa.gov/wac>.

If you have any questions, please contact Rick Mraz at (360) 407-6221.

Sincerely,



Perry J Lund, Unit Supervisor  
Shorelands and Environmental Assistance Program

BY CERTIFIED MAIL: 7009 3410 0000 1272 2734

Enclosure

PJL:RM:th

cc: Lisa Scott, City of Aberdeen (By Certified Mail: 7009 3410 0000 1272 2710)

When recorded, return to:  
Washington State Department of Transportation  
Real Estate Services  
PO Box 47338  
Olympia, WA 98504-7338



WASHINGTON STATE DEPARTMENT OF  
**Natural Resources**  
Peter Goldmark - Commissioner of Public Lands

## **AQUATIC LANDS EASEMENT FOR WASHINGTON STATE DEPARTMENT OF TRANSPORTATION**

**Easement No. 51-085621**

THIS EASEMENT is made by and between the STATE OF WASHINGTON, acting through the Department of Natural Resources (“Grantor”), and the Department of Transportation, a State Agency (“Grantee”).

### **SECTION 1 GRANT AND LOCATION OF EASEMENT**

**1.1 Easement Property.** Grantor grants and conveys to Grantee a nonexclusive easement (“Easement”) over, upon, and under the property described in Exhibit A (“Easement Property”).

**1.2 Rights of Third Parties.** This Easement is subject to all valid interests of third parties noted in the records of Grays Harbor County, or on file in the office of the Commissioner of Public Lands, Olympia, Washington; rights of the public under the Public Trust Doctrine or the federal navigation servitude; and treaty rights of Indian Tribes. Not included in this Easement are any right to harvest or collect any natural resource, including aquatic life or living plants, any water rights, or any mineral rights, including any right to excavate or withdraw sand and gravel (except as authorized and compensated for under Section 4), or other valuable materials, provided that Grantor acknowledges that construction of the highway project associated with this Easement will include removal of materials from the beds of navigable waters associated with



the launch channel for the purpose of casting basin construction as described in the Plan of Operations (Exhibit B), and this removal is hereby authorized.

**1.3 Inspection.** Grantor makes no representation regarding the condition of the Easement Property, improvements located on the Easement Property, the suitability of the Easement Property for Grantee's Permitted Use, compliance with governmental laws and regulations, availability of utility rights, access to the Easement Property or the existence of hazardous substances on the Easement Property. Grantee has inspected the Easement Property and accepts it "AS IS."

**1.4 Surveys, Maps, and Plans.** Surveys or Land Plats submitted as Exhibit A showing the Easement Property ingress and egress area, and other encumbrances shall be prepared in compliance with requirements of Chapter 332-130 WAC.

## **SECTION 2 PURPOSE OF EASEMENT**

**2.1 Permitted Use.** This Easement is granted for the purpose of and is limited to: Excavation and maintenance of a launch channel, storage of fill material as permitted under RCW 47.12.026, and installation and maintenance of pilings. (the "Permitted Use") and for no other purpose, including utilities unless specifically identified as part of the Permitted Use. The Permitted Use is described or shown in detail in Exhibit B.

**2.2 Restrictions on Use.**

- (a) Grantee shall not cause or permit any damage to natural resources on or adjacent to the Easement Property. Grantee shall not cause or permit any filling activity to occur on the Easement Property, except to the extent, if any, identified in Exhibit B. This prohibition includes any deposit of rock, earth, ballast, refuse, garbage, waste matter (including chemical, biological or toxic wastes), hydrocarbons, any other pollutants, or other matter in, on, or adjacent to the Easement Property, except as approved in writing by Grantor or pursuant to discharges made in full compliance with a valid National Pollution Discharge Elimination Systems ("NPDES") permit.
- (b) Grantor reserves any right it may have to seek compensation for any damages to natural resources
- (c) Grantee shall neither commit nor allow waste to be committed to, on, or adjacent to the Easement Property. If Grantee fails to comply with all or any of the restrictions on use set out in Subsection 2.2, Grantor, at Grantor's discretion, may take any steps reasonably necessary to remedy such failure. Upon demand by Grantor, Grantee shall pay all costs of such remedial action, including but not limited to the costs of removing and disposing of any material deposited improperly in, on, or adjacent to the Easement Property. This section shall not in any way limit Grantee's liability under Section 9 below.

**2.3 Amendment Upon Change of Permit Status.** This Easement is granted in reliance upon Grantee's Permitted Use being substantially the same as described in the regulatory permits it has obtained as of the date this Easement was executed and in full compliance with those permits.

### **SECTION 3 TERM AND AGREED TERMINATION**

**3.1 Term Defined.** This Easement shall begin on June 1, 2011 ("Commencement Date") and shall last so long as Grantee requires this Easement for the purpose(s) specified in Section 2. Termination of this Easement shall occur at such time as it is no longer needed for the purpose specified in Section 2, or if the ownership of the structure is transferred to another entity, unless such transfer is to a successor entity to Grantee. Whenever Grantee determines that the Easement is no longer required for the intended purpose or when ownership of the structure is transferred, except as provided above, Grantee shall promptly notify Grantor. The Easement shall automatically terminate upon receipt of such notice without the need for further action by Grantor. Upon request, Grantee shall execute and record any instrument that may be necessary to demonstrate the relinquishment and disposition of the property interest and any improvements. Grantee shall also provide a plan to address the resolution of any outstanding issues associated with the use of the Easement or its termination, including, but not limited to, removal of improvements under Section 13 below. The date this Easement is terminated in accordance with Section 3 shall be the "Termination Date."

### **SECTION 4 USE FEE**

As provided in RCW 47.12.026, no fee is required for use of the Easement Property. Pursuant to RCW 47.12.026(4), Grantee shall pay Grantor a fee which reflects fair market value for any sand, gravel, stone or other materials removed from the beds of navigable waters, provided that this charge shall not apply to any materials excavated for disposal, at a dredge material disposal site.

### **SECTION 5 NOTIFICATION OF ACTIVITIES**

**5.1. Project Construction.** Construction will begin on the Easement Property on June 1, 2011. Grantor is hereby notified, and acknowledges notification, of the Project Construction work that is described generally in Exhibit B (Plan of Operations). Grantor waives further notification of that work

**5.2 Other Construction or Maintenance.**

- (a) Grantee shall notify Grantor of any other construction, maintenance, or repair activities it conducts on the Easement Property that might significantly affect Grantor's or the public's use or enjoyment of the Easement Property and any

surrounding state-owned aquatic lands including, but is not limited to, activity that requires the use of barges on the Easement Property.

- (b) Notification under Section 5.2 is not required for activities that take place only within the casting basin facility and that have no impact on the Easement Property or any surrounding state-owned aquatic lands.
- (c) In the notification required under Section 5.2, Grantee shall include plans that provide a reasonably comprehensive description of the proposed activities. This notice shall be provided at least thirty (30) days prior to the activity. In cases of emergency, Grantee shall notify Grantor of such activity no later than five (5) days after such activity has commenced.
- (d) At any time Grantee prepares a Joint Aquatic Resources Permit Application (JARPA) for submission to permitting agencies for any construction, maintenance, or repair activities on the Easement Property, Grantee shall submit a copy of the JARPA to Grantor at the time it is filed with the permitting agencies. If no JARPA is filed, information relating to any permits that may be needed shall be provided to Grantor with sufficient notice to allow Grantor to comment on any permits.

**5.3 As Built Survey.** Within six months after the completion of the construction work, or any subsequent work that significantly alters the configuration of the improvements, Grantee shall promptly provide Grantor a document prepared by a Licensed Land Surveyor that accurately locates and depicts the improvements, as built, in relation to nearby upland survey monuments.

## **SECTION 6 MAINTENANCE AND REPAIR OF EASEMENT AND IMPROVEMENTS**

During the term of this Easement, Grantee shall maintain all improvements in good condition and working order. This obligation applies only to the extent necessary to ensure that the Easement Property and surrounding state-owned lands are not subjected to any unauthorized impacts. Grantee shall promptly repair, at its sole cost, all damages to any improvements on the Easement Property, to the Easement Property, or to any natural resources on or adjacent to the Easement Property, which are caused by Grantee's activities, except to the extent that these damages are authorized by the issuance of this Easement. Upon completion of any work performed by Grantee, Grantee shall remove all debris and restore the Easement Property (except fill material shown in Exhibit B), as nearly as possible, to the condition it was in prior to commencement of the work.

## **SECTION 7 INTERFERENCE WITH OTHER USES OF EASEMENT PROPERTY**

**7.1 Public's Right to Use.** Grantee shall exercise its rights under this Easement so as to minimize and avoid, to the fullest extent reasonably possible, interference with Grantor's use of the Easement Property or with the public's right to use the Chehalis River for purposes of

recreation, navigation, or commerce including rights under the Public Trust Doctrine. Any improvements constructed by Grantee on the Easement Property shall be placed and constructed so as to allow, to the fullest extent reasonably possible, unobstructed movement, on, in, or through the water within the Easement Property.

**7.2 Notice of Hazards.** Grantee shall, to the extent required by the United States Coast Guard, also mark or record the location of the Easement area and any related improvements in such locations and with such publications as are necessary to give reasonable notice to the public of the existence of any hazards associated with the improvements, and the location and limitations, if any, of the improvements. The signs and/or notices shall identify the type of installation (e.g., an outfall pipe) and shall identify Grantee as the person responsible for the Permitted Use and its maintenance.

## **SECTION 8 COMPLIANCE WITH LAWS**

Grantee shall, at its own expense, conform to all applicable laws, regulations, permits, orders, or requirements of any public authority affecting the Easement Property and the Permitted Use. Upon request, Grantee shall supply Grantor with copies of permits or orders. Grantor reserves the right to amend this Easement, to achieve compliance with applicable laws, regulations, permits, orders, or requirements, where Grantee fails to operate in conformance with applicable laws, regulations, permits, orders, or requirements and where such failure could affect the lands and natural resources associated with the Easement Property and any adjacent state lands or natural resources.

## **SECTION 9 ENVIRONMENTAL LIABILITY/RISK ALLOCATION**

**9.1 Definition.** “Hazardous Substance” means any substance which now or in the future becomes regulated or defined as such under any federal, state, or local statute, ordinance, rule, regulation, or other law relating to human health, environmental protection, contamination or cleanup, including, but not limited to, the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (“CERCLA”), 42 U.S.C. 9601 *et seq.*, and Washington’s Model Toxics Control Act (“MTCA”), RCW 70.105D.010 *et seq.*

**9.2 Use of Hazardous Substances.** Grantee covenants and agrees that Hazardous Substances will not be used, stored, generated, processed, handled, released, or disposed of in, on, under, or above the Easement Property, except in accordance with all applicable laws.

**9.3 Current Conditions, Duty of Utmost Care, and Duty to Investigate.**

- (a) With regard to any Hazardous Substances that may exist in, on, under, or above the Easement Property, Grantor disclaims any and all responsibility to conduct investigations, to review any Grantor records, documents or files, or to obtain or

supply any information to Grantee. Any such records held by Grantor as public records shall be provided to Grantee upon Grantee's request.

- (b) Grantee shall exercise the utmost care with respect to both Hazardous Substances in, on, under, or above the Easement Property as of the Commencement Date, and any Hazardous Substances that come to be located in, on, under, or above the Easement Property during the term of this Easement, along with the foreseeable acts or omissions of third parties affecting those Hazardous Substances, and the foreseeable consequences of those acts or omissions. The obligation to exercise utmost care under Subsection 9.3 includes, but is not limited to, the following requirements:

- (1) Grantee shall not undertake activities that will cause, contribute to, or exacerbate contamination of the Easement Property;
- (2) Grantee shall not undertake activities that damage or interfere with the operation of remedial or restoration activities on the Easement Property or undertake activities that result in human or environmental exposure to contaminated sediments on the Easement Property;
- (3) Grantee shall not undertake any activities that result in the mechanical or chemical disturbance of on-site habitat mitigation;
- (4) If requested, Grantee shall allow reasonable access to the Easement Property by employees and authorized agents of the U.S. Environmental Protection Agency, the Washington State Department of Ecology, or other similar environmental agencies; and
- (5) If requested, Grantee shall allow reasonable access to potentially liable or responsible parties who are the subject of an order or consent decree which requires access to the Easement Property. Grantee's obligation to provide access to potentially liable or responsible parties may be conditioned upon the negotiation of an access agreement with such parties, provided that such agreement shall not be unreasonably withheld.

- (c) It shall be Grantee's obligation to gather sufficient information concerning the Easement Property and the existence, scope, and location of any Hazardous Substances on the Easement Property, or adjoining the Easement Property, that allows Grantee to effectively meet its obligations under this Easement. The standard of care required of Grantee by Subsection 9.3 shall be that required of a person with actual knowledge of the presence of Hazardous Substances, whether or not Grantee had such actual knowledge.

#### **9.4 Notification and Reporting.**

- (a) Grantee shall immediately notify the Washington State Department of Ecology to the extent required by law if Grantee becomes aware of any of the following:
- (1) A release or threatened release of Hazardous Substances in, on, under, or above the Easement Property, any adjoining property, or any other property subject to use by Grantee in conjunction with its use of the Easement Property;

- (2) Any problem or liability related to, or derived from, the presence of any Hazardous Substance in, on, under, or above the Easement Property, any adjoining property, or any other property subject to use by Grantee in conjunction with its use of the Easement Property;
- (3) Any actual or alleged violation of any federal, state, or local statute, ordinance, rule, regulation, or other law pertaining to Hazardous Substances with respect to the Easement Property, any adjoining property, or any other property subject to use by Grantee in conjunction with its use of the Easement Property.

## 9.5 Indemnification.

- (a) Grantee shall fully indemnify, defend, and hold Grantor harmless from and against any and all claims, demands, damages, natural resource damages, response costs, remedial costs, cleanup costs, losses, liens, liabilities, penalties, fines, lawsuits, other proceedings, costs, and expenses (including attorneys' fees and disbursements), that arise out of, or are in any way related to:
  - (1) The use, storage, generation, processing, transportation, handling, or disposal of any Hazardous Substance by Grantee, its licensees, contractors, agents, employees, invitees in, on, under, or above the Easement Property or any adjoining property during the term of this Easement or during any time when Grantee occupies or occupied the Easement Property or any such other property;
  - (2) The release or threatened release of any Hazardous Substance, or the exacerbation of any Hazardous Substance contamination, in, on, under, or above the Easement Property, any adjoining property, or any other property subject to use by Grantee in conjunction with its use of the Easement Property, which release or threatened release occurs or occurred during the term of this Easement or during any time when Grantee occupies or occupied the Easement Property or adjoining property and as a result of:
    - (i) Any act or omission of Grantee, its licensees, contractors, agents, employees, guests, invitees, or affiliates; or
    - (ii) Any foreseeable act or omission of a third party unless Grantee exercised the utmost care with respect to the foreseeable acts or omissions of the third party and the foreseeable consequences of those acts or omissions.
  - (3) A breach of the obligations of Subsection 9.3 above, by Grantee, its licensees, contractors, agents, employees, guests, invitees, or affiliates.
- (b) Grantee will have use of and access to the Easement Property. Accordingly, if Grantor seeks to impose liability under Subsection 9.5(a), Grantor will have the initial burden of proving by a preponderance of the evidence the existence, release, or threatened release of Hazardous Substances in, on, under, or above the Easement Property or any adjoining property. Grantee shall then have the burden



of proving by a preponderance of the evidence that none of the indemnification provisions apply.

**9.6 Cleanup.** If a release of Hazardous Substances occurs in, on, under, or above the Easement Property or other state-owned aquatic lands arising out of any action or inaction described or referred to in Subsection 9.5 above, Grantee shall, at its sole expense, promptly take all actions necessary or advisable to cleanup the Hazardous Substances. These actions shall include, without limitation, removal, containment and remedial actions and shall be performed in accordance with all applicable laws, rules, ordinances, and permits. Grantee shall also be solely responsible for all cleanup, administrative, and enforcement costs of governmental agencies, including natural resource damage claims. Any cleanup shall be performed in a manner approved in advance in writing by Grantor, except that in emergency situations Grantee may take reasonable and appropriate actions without advance approval.

**9.7 Sampling.**

- (a) As a condition of Grantor entering into this Easement, Grantee agrees to promptly conduct the environmental investigation specified in Exhibit B (Plan of Operations) of this document. The investigation specified in Exhibit B will be conducted in accordance with generally accepted scientific methods and principles. Grantor has reviewed and approved the sampling and analysis plan.
- (b) Grantor may conduct sampling, tests, audits, surveys, or investigations ("Tests") of the Easement Property at any time to determine the existence, scope, or effects of Hazardous Substances on the Easement Property, any adjoining property, any other property subject to use by Grantee in conjunction with its use of the Easement Property, or any natural resources. If such Tests, along with any other information, demonstrate the existence, release, or threatened release of Hazardous Substances arising out of any action, inaction, or event described or referred to in Subsection 9.5 above, Grantee shall promptly reimburse Grantor for all costs associated with such Tests.
- (c) Grantor's ability to seek reimbursement for any Tests under this subsection shall be conditioned upon Grantor providing Grantee written notice of its intent to conduct any Tests at least thirty (30) calendar days prior to undertaking such Tests, unless such Tests are performed in response to an emergency situation in which case Grantor shall only be required to give such notice as is reasonably practical.
- (d) Grantee shall be entitled to obtain split samples of any Test samples obtained by Grantor, but only if Grantee provides Grantor with written notice requesting such samples within twenty (20) calendar days of the date Grantee is deemed to have received notice of Grantor's intent to conduct any non-emergency Tests. The additional cost, if any, of split samples shall be borne solely by Grantee. Any additional costs Grantor incurs by virtue of Grantee's split sampling shall be reimbursed to Grantor within thirty (30) calendar days after a bill with documentation for such costs is sent to Grantee.

- (e) Within thirty (30) calendar days of a written request (unless otherwise required pursuant to Subsection 9.4(b) above), either party to this Easement shall provide the other party with validated final data, quality assurance/quality control information, and chain of custody information, associated with any Tests of the Easement Property performed by, or on behalf of, Grantor or Grantee. There is no obligation to provide any analytical summaries or expert opinion work product.

#### **9.8 Sediment Investigation.**

- (a) If Grantor has reason to believe that a release or threatened release of Hazardous Substances has occurred on the Easement Property during Grantee's occupancy, Grantor may require Grantee to conduct a Closeout Environmental Assessment (Closeout Assessment) by providing Grantee with written notice of this requirement no later than one hundred eighty (180) calendar days prior to the Termination Date, or within ninety (90) days of any valid notice to terminate the Easement earlier than originally agreed. The purpose of the Closeout Assessment shall be to determine the existence, scope, or effects of any Hazardous Substances on the Easement Property and any associated natural resources. If the initial results of the Closeout Assessment disclose the existence of Hazardous Substances that may have migrated to other property, Grantor may require additional Closeout Assessment work to determine the existence, scope, and effect of any Hazardous Substances on adjoining property, any other property subject to use by Grantee in conjunction with its use of the Easement Property, or on any associated natural resources. The Closeout Assessment may include Sediment Sampling.
- (b) Prior to undertaking the Closeout Assessment, Grantee shall submit a proposed plan in writing for Grantor's approval. The plan shall be provided to Grantor within sixty (60) days of the Grantor's notice requiring the Closeout Assessment. If Grantor fails to respond in writing, either approving or disapproving of the proposed plan, within sixty (60) days of its receipt, the proposed plan shall be deemed approved. Grantee shall be responsible for all costs required to complete planning, sampling, analyzing, and reporting associated with the Closeout Assessment.

**9.9 Reservation of Rights.** The parties have agreed to allocate certain environmental risks, liabilities, and responsibilities by the terms of Section 9. With respect to those environmental liabilities covered by the indemnification provisions of Subsection 9.5, that subsection shall exclusively govern the allocation of those liabilities. With respect to any environmental risks, liabilities, or responsibilities not covered by Subsection 9.5, the parties expressly reserve and do not waive or relinquish any rights, claims, immunities, causes of action, or defenses relating to the presence, release, or threatened release of Hazardous Substances in, on, under, or above the Easement Property, any adjoining property or any other property subject to use by Grantee in conjunction with its use of the Easement Property, that either party may have against the other under federal, state, or local laws, including but not limited to, CERCLA, MTCA, and the

common law. No right, claim, immunity, or defense either party may have against third parties is affected by this Easement and the parties expressly reserve all such rights, claims, immunities, and defenses. The allocations of risks, liabilities, and responsibilities set forth above do not release either party from, or affect either party's liability for, claims or actions by federal, state, or local regulatory agencies concerning Hazardous Substances.

## **SECTION 10 REPORTING**

Grantee shall, at Grantor's request, provide Grantor with copies of all reports, studies, or audits which pertain to environmental problems and concerns associated with the Easement Property, and which are or were prepared by or for Grantee and submitted to any federal, state, or local authorities as required by any federal, state, or local permit, license, or law. These permits include, but are not limited to, any NPDES Permit, any Army Corps of Engineers permit, any State Hydraulics Permit, any State Water Quality Certification, Substantial Development Permit or local shoreline permit.

## **SECTION 11 PRESERVATION OF SURVEY CORNERS**

Grantee shall exercise due care to ensure that all legal land subdivision survey corners and witness objects are preserved. If any survey corners or witness objects are destroyed or disturbed, Grantee shall reestablish them by a registered professional engineer or licensed land surveyor in accordance with U.S. General Land Office standards, at Grantee's own expense. Corners and/or witness objects that must necessarily be disturbed or destroyed in the process of construction of improvements must be adequately referenced and/or replaced in accordance with all applicable laws and regulations in force at the time, including but not limited to, Chapter 58.24 RCW. The references must be approved by Grantor prior to removal of the survey corners and/or witness objects.

## **SECTION 12 PROCEDURES IN CASE OF NONCOMPLIANCE**

Grantor may notify Grantee that Grantee is not complying with the terms of the Easement. Grantee shall have sixty (60) days from Grantor's notice to correct such noncompliance. If the noncompliance is not reasonably capable of being cured within the sixty (60) days, Grantee shall commence the cure within the sixty (60) day time period and continue to proceed with the cure until completed. If Grantee fails to undertake the required cure, Grantor may undertake the cure on its own and may charge Grantee for all of the direct and indirect costs associated with such cure.

## **SECTION 13 OWNERSHIP AND REMOVAL OF IMPROVEMENTS AND EQUIPMENT**

### **13.1 Definitions.**

- (a) **Improvements.** Consistent with RCW 79.105 through 79.145, "Improvements" are additions within, upon, or attached to the land. This includes, but is not limited to, fill, structures, bulkheads, docks, pilings, outfall, and other fixed structures. Improvements include all Improvements currently existing or new Improvements added to the Easement Property during the term of this Easement.
- (b) **Personal Property.** Personal property is defined as items that can be removed from the Easement Property without (1) injury to the Easement Property or Improvements or (2) diminishing the value or utility of the Easement Property or Improvements.

**13.2 New Improvements.** Except for those improvements identified in Exhibit B, Grantee shall not place any Improvement on the Easement Property without Grantor's prior written consent. Notice shall be provided in accordance with Subsection 5.2 above.

**13.3 Ownership.** So long as this Easement remains in effect, Grantee shall retain ownership of all existing Improvements (new and existing), Personal Property, and trade fixtures it places on the Easement Property.

**13.4 Changes to Improvements.** Prior to any construction activities related to major alteration, replacement, removal, or major repair of any improvements, Grantee shall submit to Grantor notice of such activities as provided in Section 5. Grantor shall provide plans which describe and depict the proposed activity with reasonable clarity. Upon completion of construction, Grantee shall promptly provide Grantor with as-built plans as required in Section 5.4 above. Routine maintenance and emergency maintenance activities shall be undertaken in accordance with the provisions of Section 6.

### **13.5 Disposition and Removal of Improvements Upon Termination.**

- (a) **Disposition.** To the extent authorized by law, Grantee shall remove all Improvements (new and existing), Personal Property, and trade fixtures upon the termination this Easement unless Grantor waives the requirement for removal or as otherwise provided by law.
- (b) **Removal.** Unless otherwise required by law, at least one hundred eighty (180) days prior to planned removal or demolition of Improvements, Grantee shall submit to Grantor plans and specifications that describe the proposed activity. If regulatory permits are required for removal or demolition of Improvements, Grantee shall submit plans and specifications at least sixty (60) days before submitting permit applications to the regulatory agencies unless Grantee and Grantor otherwise agree to coordinate permit applications.

## **SECTION 14 INDEMNITY**

Grantor and Grantee, as state agencies, are covered by the tort liability provisions of the state's self-insurance program. It is understood that each state agency that is a party to this Easement will be assigned, and assume responsibility for, any damages to third parties that are attributable to the negligent acts or omission of the individual agency. Grantee agrees to assume financial responsibility for any and all physical damage to the Easement Property that is caused by Grantee, or that, with the exercise of reasonable care, could have been prevented by Grantee. This section shall not in any way limit Grantee's liability under Section 8 or Section 9 above.

## **SECTION 15 ADVANCE BY GRANTOR**

If Grantor advances or pays any costs or expenses for or on behalf of Grantee, including but not limited to taxes, assessments, costs of removal and disposal of unauthorized materials, costs of removal and disposal of improvements, or other amounts not paid when due, Grantee shall reimburse Grantor the amount paid and shall pay interest on such amount at the rate of one percent (1%) per month from the date Grantor notifies Grantee of the advance or payment.

## **SECTION 16 NOTICE**

Any notices required or permitted under this Easement may be personally delivered, delivered by facsimile machine, or mailed by certified mail, return receipt requested, to the following addresses or to such other places as the parties may direct in writing from time-to-time:

To Grantor: DEPARTMENT OF NATURAL RESOURCES  
Aquatic Resources Division/Rivers District  
PO Box 280  
Castle Rock, WA 98611  
Facsimile Number: (360) 748-2387

To Grantee: DEPARTMENT OF TRANSPORTATION  
Real Estate Services Office  
P.O. Box 47338  
Olympia, WA 98504-7338  
Facsimile Number: (360) 705-6811

A notice shall be deemed given and delivered upon personal delivery, upon receipt of a confirmation report if delivered by facsimile machine, or three (3) days after being mailed as set forth above, whichever is applicable.

## **SECTION 17 ASSIGNMENT AND LICENSES**

**17.1 No Assignment.** This Easement is granted exclusively to the Grantee and is not transferable or assignable.

**17.2 Granting Rights to Third Parties.** Grantee shall not grant to third parties any easements, franchises, or rights to use or occupy the Easement Property, including Grantee-owned Improvements, without prior written approval from Grantor. This does not preclude Grantee from authorizing its design-build contractor and subcontractors to enter upon the Easement Property and the Grantee-owned Improvements for construction purposes, which license hereby approved by Grantor. Grantor reserves the right to authorize use of the Easement Property by others so long as such use does not unreasonably interfere with Grantee's use of the Easement Property. Grantor shall consult with Grantee prior to authorizing third parties to use the Easement Property. Grantor shall provide any third parties seeking use of, or easements on, the Easement Property with copies of this Easement and its Exhibits. Notwithstanding the foregoing, nothing herein precludes the public from using the Grantee-owned Improvements for state highway purposes.

## **SECTION 18 SUCCESSORS**

This Easement shall be binding upon and inure to the benefit of the parties and their successors.

## **SECTION 19 TIME IS OF THE ESSENCE**

TIME IS OF THE ESSENCE as to each and every provision of this Easement.

## **SECTION 20 APPLICABLE LAW AND VENUE**

This Easement shall be interpreted and construed in accordance with the laws of the State of Washington. Any reference to a statute shall mean that statute as presently enacted or hereafter amended or superseded. Venue for any action arising out of or in connection with this Easement shall be in the Superior Court for Thurston County, Washington.

## **SECTION 21 RECORDATION**

At Tenant's expense and within thirty (30) days of receiving the fully-effective Lease, Tenant shall record this Lease or a memorandum documenting the existence of this Lease in the county in which the Property is located. The memorandum must contain, at a minimum, the Property description, the names of the Parties, the State's lease number, and the duration of the Lease. Tenant shall provide State with recording information, including the date of recordation and file



number. If Tenant fails to record this Lease, or a memorandum documenting the existence of this Lease, State may record it and Tenant shall pay the costs of recording upon State's demand.

## **SECTION 22 MODIFICATION**

Any modification of this Easement must be in writing and signed by the parties. Grantor and Grantee shall not be bound by any oral representations or statements.

## **SECTION 23 MISCELLANEOUS**

**23.1 Authority.** This Easement is entered into by Grantor pursuant to the authority granted it in RCW 47.12.026 and Chapters 79.90 to 79.96 RCW, and any subsequent amendments thereto. This Easement is entered into by Grantee pursuant to the authority granted it in RCW 47.12.026, and any subsequent amendments thereto.

**23.2 Headings.** The headings used in this Easement are for convenience only and in no way define, limit, or extend the scope of this Easement or the intent of any provision.

**23.3 Entire Agreement.** This Easement, including the Exhibits and Addenda, if any, contains the entire agreement of the parties. All prior and contemporaneous agreements, promises, representations, and statements relating to this transaction or to the Easement Property, if any, are merged into this Easement.

**23.4 Waiver.** The waiver by Grantor of any breach or default of any term, covenant, or condition of this Easement shall not be deemed to be a waiver of such term, covenant, or condition; of any subsequent breach or default of the same; or of any other term, covenant, or condition of this Easement.

**23.5 Cumulative Remedies.** The rights and remedies of Grantor under this Easement are cumulative and in addition to all other rights and remedies afforded to Grantor by law or otherwise.

**23.6 Invalidity.** If any provision of this Easement shall prove to be invalid, void, or illegal, it shall in no way affect, impair, or invalidate any other provision of this Easement.

**23.7 Survival.** Any obligations of Grantee or Grantor which are not fully performed upon termination of this Easement shall not cease, but shall continue as obligations until fully performed; provided, that the indemnification provisions set forth in this Easement shall survive termination of this Easement.

THIS EASEMENT requires the signature of all parties and is executed as of the date of the last signature below.

STATE OF WASHINGTON  
DEPARTMENT OF TRANSPORTATION

Dated: 5/26/, 20 11

By: Mike Palazzo  
MIKE PALAZZO  
Director, Real Estate Services  
PO Box 47338  
Olympia, WA 98504-7338  
Phone: (360) 705-7377

STATE OF WASHINGTON  
DEPARTMENT OF NATURAL RESOURCES

Dated: 6/2, 20 11

By: Peter Goldmark  
PETER GOLDMARK  
Commissioner of Public Lands  
1111 Washington  
Olympia, WA 98504-7022



Approved as to form  
This 24<sup>th</sup> day of September, 2009  
Christa Thompson, Assistant Attorney General  
Attorney for Grantor

Approved as to form  
this 11<sup>th</sup> day of September, 2009  
Patricia K. Nightingale,  
Attorney for Grantee

DEPARTMENT OF TRANSPORTATION ACKNOWLEDGMENT

STATE OF WASHINGTON)

County of Thurston ) ss  
)

I certify that I know or have satisfactory evidence that MIKE PALAZZO is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Director of Real Estate Services of the Washington State Department of Transportation, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 5-26-11

(Seal or stamp)



Cyndi A Booze  
(Signature)

Cyndi A Booze  
(Print Name)

Notary Public in and for the State of  
Washington, residing at

Olympia

My appointment expires 7-22-14

STATE OF WASHINGTON )  
 ) ss  
County of THURSTON )

Dated: June 2, 2011

A circular notary seal for Sara Ann Rietschek. The outer ring contains the text "SARA ANN RIETSCHEK" at the top and "COMMISSION EXPIRES" at the bottom. The inner circle contains the text "NOTARY" at the top, "PUBLIC" at the bottom, and "APRIL 29, 2014" in the center. The seal is surrounded by a decorative border of small dots.

Olympia

My appointment expires 4/29/14

**EXHIBIT A**  
Legal Description of Premises and Encumbrances

Section 17, Township 17 North, Range 9 West, W.M., Grays Harbor County, Washington, containing 13.1 acres.

The Sundry site plan is based on a record of survey filed  
under AFN 2009-072400078, Records of Grays Harbor County, Washington

**EXHIBIT B**  
Plan of Operations

**1. DESCRIPTION OF PERMITTED USE**

- A. Existing Facilities  
None.
- B. Proposed Facilities. Grantee has secured the following permits: NPDES Construction Stormwater General Permit No. WAR 124726; State Waste Discharge Permit No. 6223; Aberdeen shoreline approval #2010-207; PATON Approval No. CG-2554; Approved Shoreline Variance Permit #77; Shoreline Substantial Development Permit #543; Conditional Shoreline Substantial Development Permit #2010-1380; Corps Permit #NWS-2008-151; 401 Water Quality Certification #8368; Coastal Zone Management Consistency Determination; HPA 121776-1; Sand and Gravel Permit WAG-50-1544

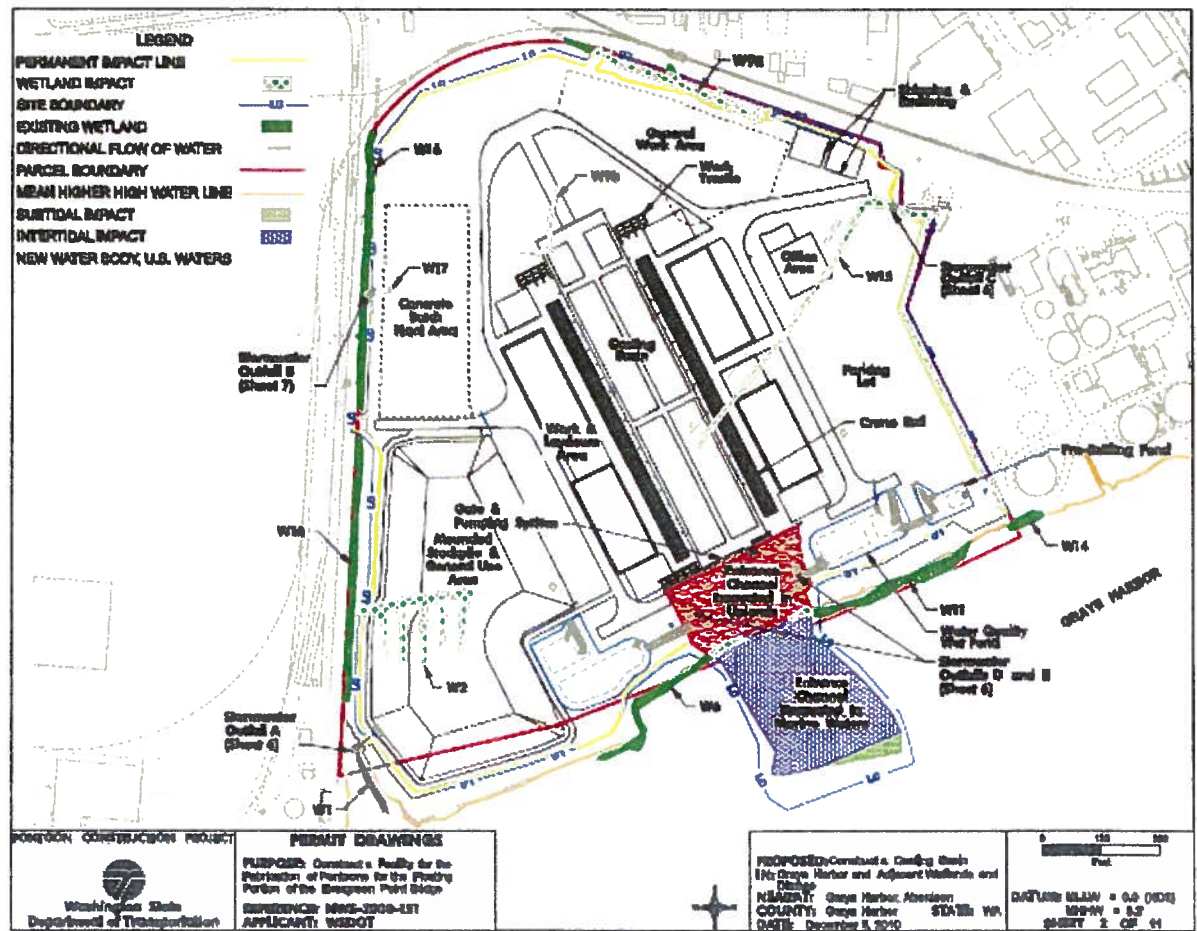
Grantee has submitted to State plans and specifications for Work shown in Attachment 1 to this Exhibit B, which is not incorporated in this Easement. State grants its consent to this Work as provided under Paragraph 7.3(b) of the Easement, except that Grantee shall conform all Work to all other requirements of Section 7 of this Easement.

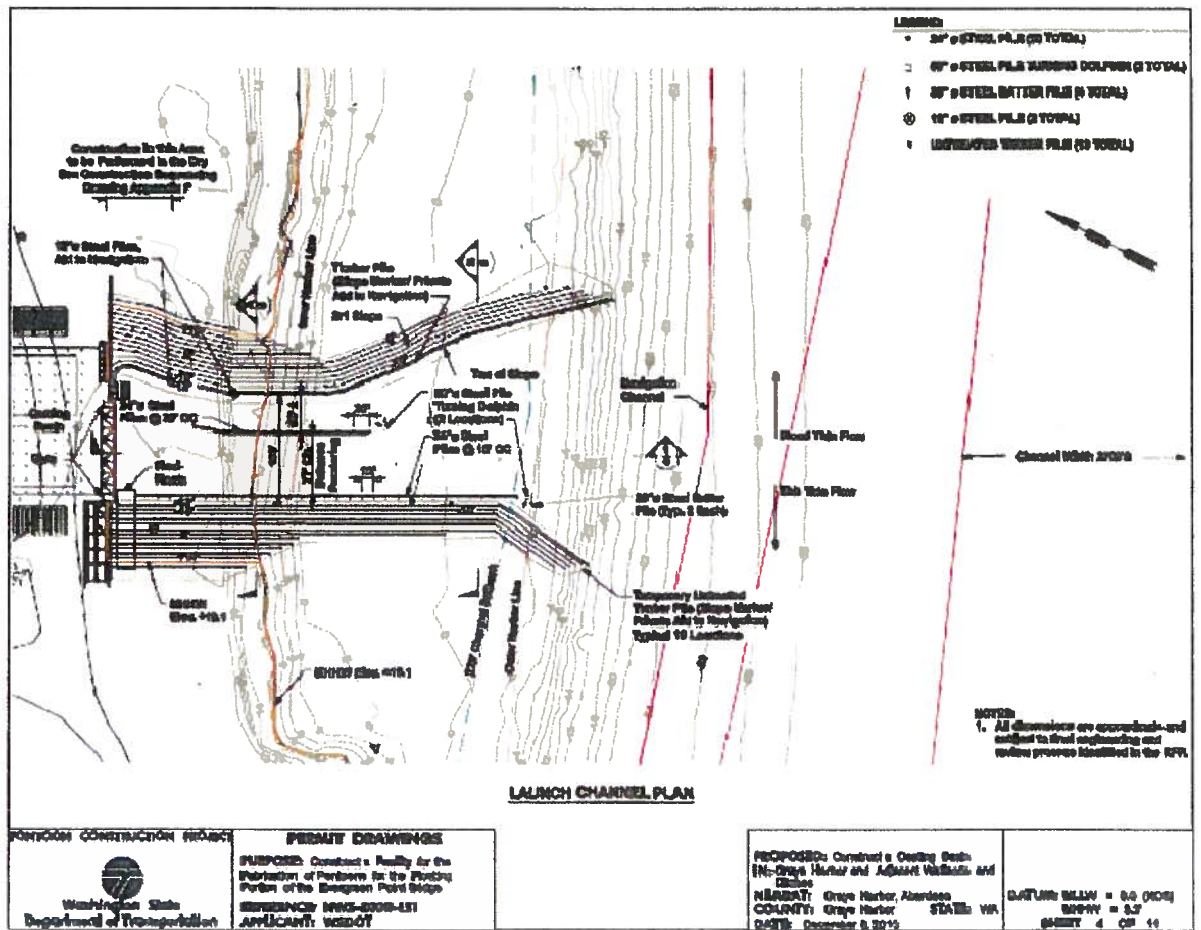
**2. ADDITIONAL OBLIGATIONS**

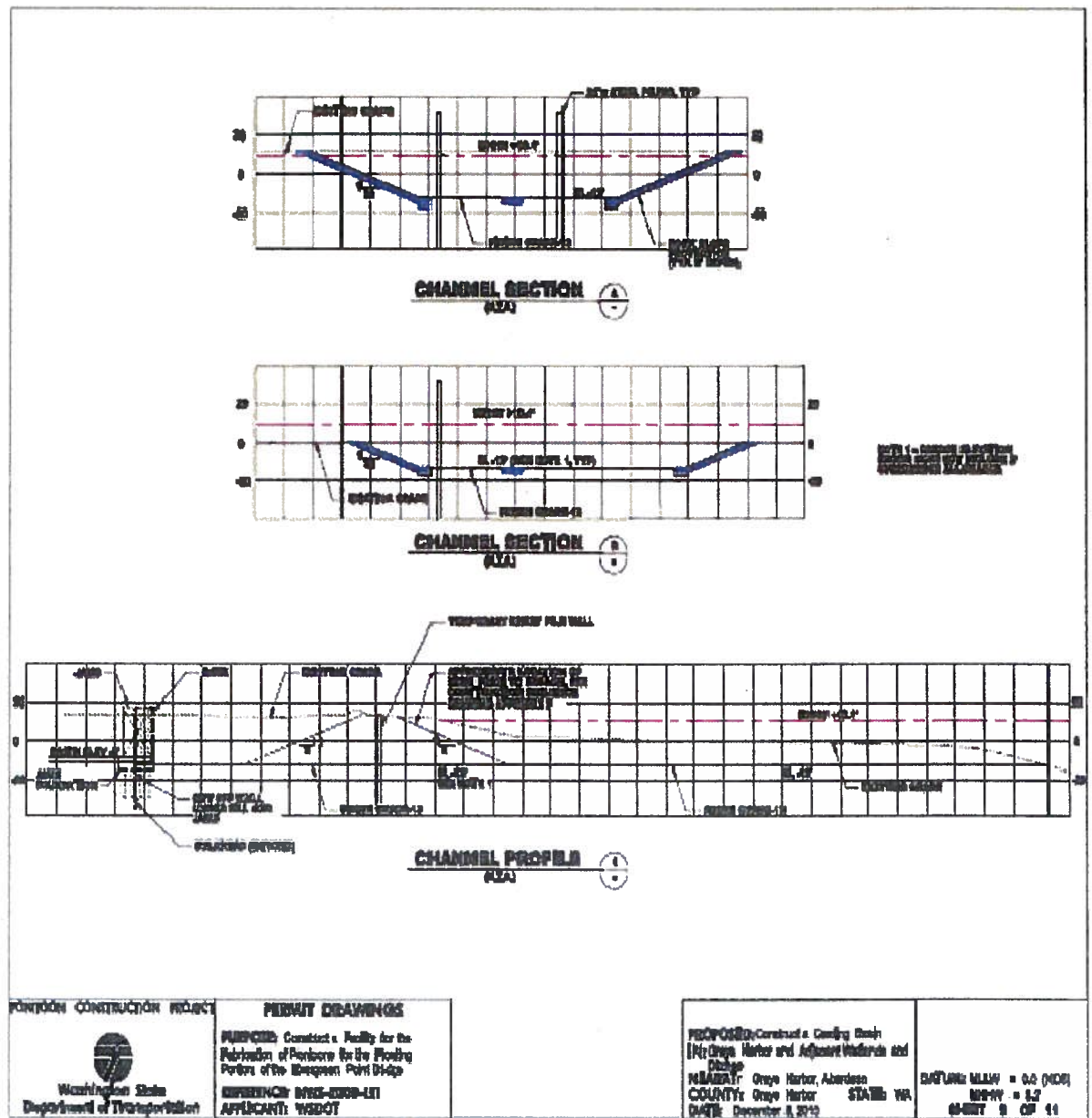
- A. Using the data from the DMMP sediment characterization report or DMMU's B5, B6 and B7 as the baseline condition for the site in the lease at termination, DOT will provide sampling data to verify that the condition is in as good or better than this baseline condition.
- B. All WSDOT installed improvements will be removed at the termination of the easement.
- C. Grantee shall remove all existing pilings within easement area. Removal must be complete by start up of casting facility.



## Attachment 1







**Project Title: Pontoon Construction Project**

<b>Permit Language</b>	<b>Document Source Reference</b>
<b>Document Type: 401</b> <b>Document Title: Water Quality Certification - Order No. 8368</b>	
During project construction and operation, the Applicant shall comply with all requirements of the National Pollutant Discharge Effluent System (NPDES) Sand and Gravel General Permit (#WAG-50-1544) issued for this project.	401 Pg 6, Condition D.2
Wastewater shall be contained for proper disposal and shall not be discharged into state waters or storm drains.	401 Pg 6, Condition
Any stormwater commingled with wastewater shall be handled as wastewater.	401 Pg 6, Condition D.4
The Applicant shall comply with the NPDES Construction Stormwater General Permit (#WAR-124726) issued for this project.	401 Pg 6, Condition E.1
All clearing limits, stockpile (A stockpile site or storage area is a location where large amounts of material are stored for future use on a project) sites, staging areas, and trees to be preserved shall be ..... clearly marked prior to commencing construction activities and maintained until all work is completed for each project.	401 Pg 7, Condition E.2
Construction stormwater, sediment, and erosion control BMPs (e.g., filter fences, coir mats, etc.) to prevent exceedances of state water quality standards shall be in place before starting construction at the site.	401 Pg 7, Condition E.4
The Applicant shall develop and implement a Spill Prevention and Containment Plan for all aspects of this project.	401 Pg 14, Condition H.1
The Applicant shall have adequate and appropriate spill response materials on hand to respond to emergency release of petroleum products or any other material into waters of the state.	401 Pg 14, Condition H.2
<b>Document Type: Hydraulic Project Approval</b> <b>Document Title: Hydraulic Project Approval - Control # 121776-1</b>	
Excess sand, gravel, fill, or native materials removed from the site shall be disposed at an upland site such that they do not re-enter surface waters of the state.	HPA Pg 2, Condition 12

All earth areas adjacent to the stream that have been exposed or disturbed by this project shall be graded to a stable grade, seeded with a suitable erosion control seed mix, and protected from erosion with a straw mulch or equivalent within seven (7) days of project completion.	HPA Pg 2, Condition 13
Project activities shall not degrade water quality to the detriment of fish life.	HPA Pg 5, Condition 39
Project activities shall be conducted to minimize siltation of the beach area and bed.	HPA Pg 5, Condition 41
An emergency spill containment kit must be located on site along with a pollution prevention plan detailing planned fueling, materials storage, and equipment storage. Waste storage areas must be prepared to address prevention and cleanup of accidental spills.	HPA Pg 5, Condition 42
<p align="center"><b>Document Type: Shoreline Variance</b>  <b>Document Title: Shoreline Substantial Development with Variance, City of Aberdeen</b></p>	
WSDOT and/or its contractor shall ensure that all appropriate methods are in place to take care of all releases of oils, hydraulic fluids, fuels, other petroleum products, paints, solvents and other deleterious materials, spills are contained and removed in a manner that will prevent their discharge to waters and soils of the state. The cleanup of spills shall take precedence over other work.	CoA SV, Pg 7, Condition 7
WSDOT and/or its contractor will ensure that erosion control through the use of Best Management Practices as required to prevent side casting of fill material on to adjacent properties or into the water. All erosion and sediment control measures shall be in place prior to, during and after site improvements are completed or when control measures are no longer needed.	CoA SV, Pg 7, Condition 8
<p align="center"><b>Document Type: Biological Assessment</b>  <b>Document Title: SR 520 Pontoon Construction Project Biological Assessment</b></p>	
Temporary Erosion and Sediment Control Plan (TESC): A TESC Plan for clearing, grading, ditching, filling, compacting, and/or excavating activities shall be developed. The BMPs in the plan shall be used to reduce sediment transport from disturbed ground to nearby water bodies.	BA, Pg, 2-36, Line 2
From October 1 through April 30, no soils shall remain exposed and unworked for more than 2 days. From May 1 to September 30, no soils shall remain exposed and unworked for more than 7 days.	BA, Pg, 2-36, Line 6
Soils that are determined to be contaminated shall be stored separately from clean stockpiled soils.	BA, Pg, 2-36, Line 25

Clean soils shall be stockpiled onsite or transported to an approved offsite upland disposal facility.	BA, Pg, 2-36, Line 27
Where such sediments and/or soils are stockpiled onsite, appropriate controls shall be used to prevent runoff, stormwater or leachate, and windblown dusts from leaving the stockpile. If it is necessary to temporarily stockpile dredged sediments that are unsuitable for open water disposal, all runoff shall be contained to ensure that none enter waters of the state without treatment and testing. This process will confirm compliance with the standards prior to discharging to waters of the state.	BA, Pg, 2-36, Line 29
Dust Control: The pontoon construction site shall be managed with the following fugitive dust control measures as appropriate. <ul style="list-style-type: none"> <li>• Wet down and/or cover exposed soils when not in use to minimize fugitive dust and erosion due to wind.</li> <li>• Excess dirt, dust, and debris shall be removed from roadway and laydown areas.</li> <li>• Exposed materials shall be enclosed during transport to minimize fugitive dust and to prevent any loss of sediment or pollution to the surrounding environment.</li> </ul>	BA, Pg, 2-38, Line 30
<p align="center"><b>Document Type: Record of Decision</b></p> <p><b>Document Title: Pontoon Construction Project Record of Decision</b></p>	
During casting basin facility construction, WSDOT will implement erosion and sedimentation control practices to achieve water quality standards and apply, at a minimum, best management practices following Washington State Department of Ecology (Ecology) and WSDOT guidelines. Listed below are some possible best management practices for erosion and sedimentation control: <ul style="list-style-type: none"> <li>• Install quarry spalls (crushed rock).</li> <li>• Conduct regular sweeping and washing of adjacent roadways.</li> <li>• Install silt fences downslope of all exposed soil.</li> <li>• Construct quarry spall-lined temporary ditches, with arranged straw bales or other sediment catchment dams.</li> <li>• Install temporary covers over soil stockpiles and exposed soil.</li> <li>• Construct temporary sedimentation ponds to remove solids prone to settling before discharge.</li> <li>• Place limits on the area exposed to runoff at any given time.</li> </ul>	ROD, Pg 7, Geology and Soils Mitigation
WSDOT will prepare a project-specific spill prevention, control, and counter measures plan before any construction activities begin. During proposed project construction, including launch channel maintenance dredging, WSDOT will use standard best management practices to avoid and reduce potential effects from the project. WSDOT will manage and dispose of contaminated soil and/or groundwater in accordance with applicable permits and regulations.	ROD, Pg 8, Hazardous Materials Mitigation



State law requires construction site owners and/or operators to take reasonable precautions to prevent fugitive dust from becoming airborne. WSDOT will use standard mitigation measures on either site to control dust. For the proposed onsite concrete batch plant, the operator will have to obtain an air permit from the local air agency and install any required air pollution control equipment, to control dust, for instance.	ROD, Pg 9, Air Quality Mitigation
<b>Document Type: Hazardous Materials Standards</b> <b>Document Title: Grays Harbor County Standards</b>	
The Design-Builder shall ensure that the excavated material to be stockpiled on site shall consist of clean soils (WAC 173-350-100) and the following excavated materials and debris will be removed from the soils to be placed in the stockpile and shall be properly disposed of in a permitted solid waste facility; metals, plastics, geo-textiles, rubber, tires, and visually identifiable creosote or other chemically treated lumber, concrete, clearing and grubbing, foundations, fences and other structures or obstructions. Large logs shall also be removed from the excavated soils and should be reused or properly disposed of offsite.	

# E.6

U.S. Department of  
Homeland Security

United States  
Coast Guard



Commander  
United States Coast Guard  
Thirteenth District

915 Second Ave.  
Seattle, WA. 98174-1067  
Staff Symbol: dpw  
Phone: (206) 220-7270  
Fax: (206) 220-7265

16518

FEB 16 2011

Kiewit Construction  
Attn: Mr. Phil Wallace, Project Manager  
5620 112th Street East  
Puyallup, WA. 98373

Dear Mr. Wallace,

Your approved Private Aids to Navigation (PATON) Application (CG-2554) is enclosed for the following:

- Aberdeen Pontoon Basin Light A Light List #15847.1 Class I Serial #17781
- Aberdeen Pontoon Basin Light B Light List #15847.2 Class I Serial #17782
- Aberdeen Pontoon Basin Light C Light List #15847.3 Class I Serial #17783
- Aberdeen Pontoon Basin Light D Light List #15847.4 Class I Serial #17784
- Aberdeen Pontoon Basin Light E Light List #15847.15 Class I Serial #17785

Please reference the following enclosure:

- Approved Private Aids to Navigation Application (CG-2554)

Please remember that your PATON application is a legal document. Further regulations concerning your responsibilities can be found in Title 33 Code of Federal Regulations (CFR) Subchapter C Parts 62 and 66, which can be found on our website at <http://www.uscg.mil/d13/dpw/paton.asp>. Listed below are some specific points you should be aware of:

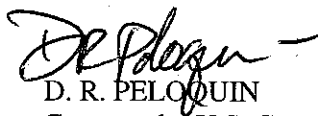
- After receiving your approved application, you are required to notify this office immediately at the phone number listed below once the work has been completed on your PATON.
- If your PATON has not been installed or changes not made within six months of the approval date on your application the approved application is automatically cancelled. To keep your PATON application from being cancelled you will need to notify me in writing and request an extension.
- Any discrepancy in the operation of your PATON must be immediately reported to Coast Guard Sector Columbia River at (503) 861-6212, 24 hours a day, and my representative listed below.
- All classes of PATON shall be maintained in proper condition. They are subject to inspection by the Coast Guard at any time and without prior notice to the owner and/or maintainer.
- If you need to make changes to, transfer ownership of or discontinue your PATON, or update your application, contact my representative no less than two weeks prior to making these changes.

16518

FEB 16 2011

If you have any questions contact my representative Mr. Timothy Westcott at (206) 220-7285 or by email at d13-pf-paton@uscg.mil.

Sincerely,



D. R. PELOQUIN

Commander U.S. Coast Guard

Chief Waterways Management Branch

Encl: Approved Private Aids to Navigation application (CG-2554)

Copy: Commander, Coast Guard Sector Columbia River  
Commander, Coast Guard Marine Safety Unit Portland

Commander  
Coast Guard Sector Columbia River  
2185 Southeast Airport Road  
Warrenton, OR 97146

Commander  
Coast Guard MSU Portland  
6767 North Basin Avenue  
Portland, OR 97217

<b>DEPARTMENT OF HOMELAND SECURITY U.S. COAST GUARD CG-2554 (Rev. 03-03)</b>		<b>PRIVATE AIDS TO NAVIGATION APPLICATION</b> (See attached instructions and copy of Code of Fed. Reg., Title 33, Chap. 1, Part 66)					Form Approved OMB-1625-0011				
NO PRIVATE AID TO NAVIGATION MAY BE AUTHORIZED UNLESS A COMPLETED APPLICATION FORM HAS BEEN RECEIVED (14 U.S.C. 183; 33 C.F.R. 166.01-5)											
1. ACTION REQUESTED FOR PRIVATE AIDS TO NAVIGATION: A. <input checked="" type="checkbox"/> ESTABLISH AND MAINTAIN B. <input type="checkbox"/> DISCONTINUE C. <input type="checkbox"/> CHANGE D. <input type="checkbox"/> TRANSFER OWNERSHIP							2. DATE ACTION TO START 15 FEB 11				
3. AIDS WILL BE OPERATED: A. <input checked="" type="checkbox"/> THROUGHOUT THE YEAR B. <input type="checkbox"/> TEMPORARILY UNTIL _____ C. <input type="checkbox"/> ANNUALLY _____ TO _____											
4. NECESSITY FOR AID (Continue in Block 8) MARKS STRUCTURES AT YARD					5. GENERAL LOCALITY SEE BLOCK 8		6. CORPS OF ENGINEERS AUTHORIZED THIS STRUCTURE OR BUOY BY <input checked="" type="checkbox"/> PERMIT OR <input type="checkbox"/> LETTER (file and date) Corps permit: NWS 2008-151				
FOR DISTRICT COMMANDERS ONLY			7. APPLICANT WILL FILL IN APPLICABLE REMAINING COLUMNS								
LIGHT LIST NUMBER OR PAGE	NAME OF AID	NO. OR LTR. (7a)	LIGHT			POSITION (7e)	DEPTH OF WATER (7f)	CAN- DLE POWER (7g)	HT. ABOVE WATER (7h)	STRUCTURE	REMARKS (See Instructions) (7i)
			PER. (7b)	FLASH LGTH. (7c)	COLOR (7d)					TYPE, COLOR, AND HEIGHT ABOVE GROUND (7i)	
15847.1	ABERDEEN PONTOON	--	2s	0.5	YLW	46-57-43.522N	----	1.5	----	ON STEEL DOLPHIN	FL Y 2s (FLASHING YELLOW
	BASIN LIGHT A					123-49-54.736W		NM		(2) 3NY DAYBOARDS	TWO SECONDS, 30 FLASHES
15847.2	LIGHT B	--	2s	0.5	YLW	46-57-45.355N	----	1.5	----	ON PILING	PER MINUTE)
						123-49-56.226W		NM		(2) 3NY DAYBOARDS	3NY = NON-LATERAL YELLOW
15847.3	LIGHT C	--	2s	0.5	YLW	46-57-46.859N	----	1.5	----	ON PILING	(SIZE 3FT BY 3FT)
						123-49-57.467W		NM		(2) 3NY DAYBOARDS	SERIAL #'S
15847.4	LIGHT D	--	2s	0.5	YLW	46-57-46.192N	----	1.5	----	ON PILING	A = 17781
						123-49-54.691W		NM		(2) 3NY DAYBOARDS	B = 17782
15847.5	LIGHT E	--	2s	0.5	YLW	46-57-45.638N	----	1.5	----	ON PILING	C = 17783
						123-49-53.721W		NM		(2) 3NY DAYBOARDS	D = 17784
						[CORRECTED COPY]					E = 17785
8. ADDITIONAL COMMENTS THESE LIGHTS MARK STRUCTURES AT THE PONTOON BUILDING FACILITY BASIN LOCATED IN ABERDEEN, WASHINGTON ON CHART 18502. Lights are model TOPHAT-PIPE-6L5V-060-A-30 from the McDermott Corporation. [phil.wallace@kiewit.com] [FAX 253-200-3491] [www.kiewit.com]											
9a. NAME AND ADDRESS OF PERSON IN DIRECT CHARGE OF AID MR. PHIL WALLACE, PROJECT MANAGER (SAME BLOCK 10a)			10a. NAME AND ADDRESS OF PERSON OR CORPORATION AT WHOSE EXPENSE KIEWIT CONSTRUCTION 5620 112TH STREET EAST PUYALLUP, WA. 98373			10b. THE APPLICANT AGREES TO SAVE THE COAST GUARD HARMLESS WITH RESPECT TO ANY CLAIM OR CLAIMS THAT MAY RESULT ARISING FROM THE ALLEGED NEGLIGENCE OF THE MAINTENANCE OR OPERATION OF THE APPROVED AID(S).					
9b. TELEPHONE NO. 253-200-3500			<div style="font-size: 2em; font-weight: bold; opacity: 0.5;">APPROVED</div>			10c. DATE 2/3/11		10d. SIGNATURE AND TITLE OF OFFICIAL SIGNING Project Director			
FOR USE BY DISTRICT COMMANDER						DATE APPROVED 2/8/11		SIGNATURE (By direction) - COE, USCG			
SERIAL NO. SEE BLOCK 7j		CLASSIFICATION OF AIDS I		CHART L. N. M.							

PREVIOUS EDITIONS ARE OBSOLETE

E.7



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

*PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000  
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341*

April 9, 2013

Mr. Dave Ziegler  
Washington State Department of Transportation  
SR 520 Project  
600 Stewart St. Suite 520  
Seattle, WA 98101

RE: SR 520 Pontoon Construction Project – Water Quality Certification, Order # 8368,  
Fourth Amendment

Dear Mr. Ziegler:

Enclosed you will find the Fourth Amendment for Order # 8368, for the SR 520 Pontoon Construction Project.

If you have any questions please contact Kerry Carroll at (360) 407-7503. The enclosed amended Order may be appealed by following the procedures described in the amended Order.

Sincerely,

Brenden McFarland, Section Manager  
Environmental Review and Transportation Section  
Shorelands and Environmental Assistance Program

by Certified Mail 7010 2780 0000 2503 3518

Enclosures

cc: Davie Davies, WSDOT







**STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY**

<b>IN THE MATTER OF GRANTING</b>	)	<b>FOURTH AMENDMENT</b>
<b>A WATER QUALITY</b>	)	
<b>CERTIFICATION TO</b>	)	<b>ORDER # 8368</b>
	)	<b>Corps Reference # NWS-2008-151</b>
	)	
<b>Washington State Department</b>	)	<b>SR-520 Pontoon Construction Project</b>
<b>of Transportation</b>	)	<b>located in Grays Harbor County,</b>
	)	<b>Washington</b>

This amendment is issued under the provisions of Chapter 90.48 RCW and Chapter 173-201A WAC.

Administrative Order No.8368 is hereby amended:

The amendment is as follows:

1. Condition F.34 that reads as follows:

Dredging of 13,000 to 25,000 cubic yards is allowed prior to each pontoon launch.

Is being replaced with:

Dredging of up to 30,000 cubic yards is allowed prior to each pontoon launch.

No other conditions or requirements of the above-mentioned order are affected by this amendment.

Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if it appears necessary to further protect the public interest.

**FAILURE TO COMPLY WITH THIS ORDER**

Failure to comply with this Order may result in civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order.

**YOUR RIGHT TO APPEAL**

You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).



To appeal you must do all of the following within 30 days of the date of receipt of this Order:

- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

#### ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
<b>Pollution Control Hearings Board</b> 1111 Israel RD SW STE 301 Tumwater, WA 98501	<b>Pollution Control Hearings Board</b> PO Box 40903 Olympia, WA 98504-0903

#### CONTACT INFORMATION

Please direct all questions about this Order to:

Kerry Carroll  
Department of Ecology  
P.O. Box 47600  
Olympia, WA 98503-7600  
360-407-7503  
[Kstr461@ecy.wa.gov](mailto:Kstr461@ecy.wa.gov)

Order No.8368, Fourth Amendment  
Corps Ref# NWS-2008-151  
SR 520 Pontoon Construction Project  
April 9, 2013  
Page 3 of 3

**SIGNATURE**

Dated this 9 day of April 2013 at the Department of Ecology, Lacey Washington



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Brenden McFarland, Section Manager  
Environmental Review and Transportation  
Shorelands and Environmental Assistance Program  
Headquarters

**NOT AN ORIGINAL! THIS IS A COPY THAT REFLECTS ALL AMENDMENTS to date. (April 9, 2013)**

First Amendment changes are reflected in Blue

Second Amendment changes are reflected in Red

Third Amendment changes are reflected in Green

Fourth Amendment changes are reflected in Purple

<b>IN THE MATTER OF GRANTING A</b>	)	<b>ORDER # 8368</b>
<b>WATER QUALITY</b>	)	<b>Corps Reference No. NWS-2008-151</b>
<b>CERTIFICATION TO</b>	)	<b>SR-520 Pontoon Construction Project in Grays</b>
The Washington State Department of	)	<b>Harbor and Mitigation Site at Grass Creek both</b>
Transportation	)	<b>located in Grays Harbor County, Washington.</b>
in accordance with 33 U.S.C. 1341	)	
(FWPCA §401), RCW 90.48.120, RCW	)	
90.48.260 and Chapter 173-201A WAC	)	
	)	

TO: Dave Ziegler  
Washington State Department of Transportation  
600 Stewart Street, Suite 520  
Seattle, Washington 98101

On September 15, 2010 the Department of Ecology (Ecology) received the Washington State Department of Transportation's (WSDOT) request for a Section 401 Water Quality Certification (Certification) for the SR-520 Pontoon Construction Project. The U.S. Army Corps of Engineers (the Corps) and Ecology issued a joint public notice for the project on December 23, 2010.

The project's purpose is to build a casting basin facility at the Aberdeen Log Yard that can accommodate simultaneous construction of multiple 360-foot long floating pontoons and store the pontoons until needed for replacing the SR-520 Bridge. The project includes these components: 1) constructing and operating the casting basin in an upland area; 2) excavating and maintaining a launch channel across uplands and through intertidal and subtidal portions of Grays Harbor; 3) launching the pontoons from the basin through the channel; 4) constructing a moorage area for pontoon storage; and 5) constructing and maintaining the Grass Creek mitigation site.

The 1,009- foot long and 365-foot wide casting basin's southern end will sit 175 feet landward of the line of Mean Higher High Water (MHHW). The 369,000 cubic yards of material excavated to form the basin will be stabilized and stored on-site on the southwest corner of the site or trucked to upland areas. The basin work includes pouring basin slabs and walls, building pre-cast casting pads, casting pre-cast panels and placing rip rap at the basin slopes..

Launch channel construction requires excavating and dredging approximately 135,000 cubic yards of material, which will be disposed of at existing permitted in-water sites. Up to six maintenance dredges will occur throughout the project's duration – one event prior to launching each pontoon or set. Each maintenance dredge involves excavating approximately 13,000 to 25,000 cubic yards of substrate. The channel's 3:1-sloped sides require approximately 18,000 cubic yards of rip rap below the MHHW.



the foregoing and in accordance with 33 U.S.C. §1341, RCW 90.48.120, RCW 90.48.260, Chapter 173-200 WAC, Chapter 173-204 WAC and Chapter 173-201A WAC, certification is granted to WSDOT subject to the conditions in this Order.

Certification of this proposal does not authorize WSDOT to exceed applicable state water quality standards (Chapter 173-201A WAC), ground water quality standards (Chapter 173-200 WAC) or sediment quality standards (Chapter 173-204 WAC). Furthermore, nothing in this certification absolves WSDOT from liability for contamination and any subsequent cleanup of surface waters, ground waters, or sediments resulting from project construction or operations.

**A. General Conditions**

1. In this Order, the term "Applicant" shall mean the Washington State Department of Transportation and its agents, assignees, and contractors.
2. All submittals required by this Order shall be sent to Ecology's Headquarters Office, Attn: Federal Project Manager, P.O. Box 47600, Olympia, WA 98504 or via e-mail to [tswa461@ecy.wa.gov](mailto:tswa461@ecy.wa.gov). The submittals shall be identified with Order #8368 and include the Applicant's name, project name, project location, the project contact, and the contact's phone number.
3. All notifications listed below shall be made via phone to Therese Swanson at (360) 407-6789 or e-mail. These notifications shall be identified with Order #8368 and include the Applicant's name, the project contact, and the contact's phone number.
  - a. At least seven (7) days prior to the onset of initiating work on the project site.
  - b. At least seven (7) days within project completion.
  - c. At least seven (7) days prior to maintenance dredging.
  - d. At least seven (7) days prior to the Grass Creek Mitigation Site's pre-construction meeting.
4. Work authorized by this Order is limited to the work described in the JARPA that Ecology received on September 15, 2010 and the updated JARPA Ecology received on December 13, 2010, unless otherwise authorized by Ecology.
5. The Applicant shall obtain Ecology review and approval before undertaking any changes to the proposed project that might significantly and adversely affect water quality, other than those project changes required by this Order.
6. Within 30 days of receipt of any updated information, Ecology will determine if the revised project requires a new public notice and Certification or if a modification to this Order is required.
7. This Order shall be rescinded if the Corps does not issue a Section 404 Corps permit.

- b. A copy of this Order is provided to the new owner or operator; and
- c. If Ecology does not notify the new Applicant that this Order must be modified.

#### B. Timing Conditions

1. This Order shall remain in effect until all compliance requirements, including those for mitigation site monitoring, are met.
2. All in-water work shall be completed within the work window identified in the most current Hydraulics Project Approval (HPA) that the Washington Department of Fish and Wildlife (WDFW) issues for this project. Any project changes that require a new or revised HPA shall be submitted to Ecology for review.

#### C. Water Quality and Water Quality Monitoring Conditions

1. This Order authorizes temporary turbidity mixing zones per Table 1:

Table 1

Action	Point of Compliance
Dredging (Including Soil Berm Removal)	<del>500</del> 300 feet down current
Casting Basin De-Watering	300 feet down current
Channel Armoring	<del>500</del> 300 feet down current
Pile Removal	<del>300</del> 150 feet down current
Pile Driving	<del>300</del> 150 feet down current
West Ditch Outfall Construction	100 feet down current
Grass Creek Mitigation Site	300 feet down current

2. Ecology has reviewed the Water Quality Monitoring and Protection Plan (WQMPP) prepared by Kiewit-General, dated December 17, 2010, and the Applicant shall submit a revised WQMPP that includes all changes and additions to that Plan as modified by this Order. The revised Plan shall be submitted per A.2. on or before February 25, 2011. No work below the OHWM may begin until Ecology approves the revised Plan.
3. The Applicant shall include the additional monitoring points below in the revised WQMPP to be submitted to Ecology.
  - a. 250 150 feet for dredging, including soil berm removal
  - b. 250 150 feet for channel armoring
  - c. 150 75 feet for pile driving and removal
  - d. 150 feet for casting basin de-watering
- ~~150-foot Grass Creek mitigation work.~~
4. If ~~changes are proposed to the Casting Basin WQMPP~~ ~~changes are proposed~~ throughout the duration of this Order, the Applicant shall submit them to Ecology for

4. Any stormwater commingled with wastewater shall be handled as wastewater.

#### **E. Upland Construction Conditions**

1. The Applicant shall comply with the NPDES Construction Stormwater General Permit (#WAR-124726) issued for this project.
2. All clearing limits, stockpile<sup>2</sup> sites, staging areas, and trees to be preserved shall be clearly marked prior to commencing construction activities and maintained until all work is completed for each project.
3. Within the project limits<sup>3</sup>, all environmentally sensitive areas including, but not limited to, wetlands, wetland buffers, and mitigation areas shall be fenced with high visibility construction fence (HVF) prior to commencing construction activities. Construction activities include equipment staging<sup>4</sup>, materials storage, and worker-vehicle parking.

**\*\*Note:** This condition does not apply to activities such as pre-construction surveying and installing HVF and construction zone signage.

4. Construction stormwater, sediment, and erosion control BMPs (*e.g.*, filter fences, coir mats, etc.) to prevent exceedances of state water quality standards shall be in place before starting construction at the site.
5. To prevent surface water contamination, machinery and equipment used during construction shall be serviced, fueled, and maintained upland, unless otherwise approved by Ecology.

#### **F. In-Water Construction**

1. In-water construction is defined as all work below the ordinary high water mark (OHWM) of Grass Creek and Grays Harbor.
2. During construction in Grays Harbor, the Applicant shall have a boat available at all times for debris retrieval.
3. All man-made debris deposited below the OHWM within the construction work area shall be removed and disposed of upland such that it does not enter state waters.

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<sup>2</sup> A stockpile site or storage area is a location where large amounts of material are stored for future use on a project.

<sup>3</sup> Project limits include mitigation sites, staging areas, borrow sources, and other sites developed or used to support project construction.

<sup>4</sup> A stage is part of a project that has been separated into at least two distinct areas to be built during separate timeframes.



15. All piles shall immediately be removed from the water onto a barge or the uplands. The piles shall not be shaken, hosed-off, allowed to drip-dry or otherwise subjected to any action intended to remove any remaining material.
16. Work surface on the barge deck or on uplands shall include a containment basin for piles and adhered sediments. The basin may be constructed of durable plastic sheeting with sidewalls supported by hay bales or other adequate structure to contain all sediment.
17. Creosote-treated piles and any sediment associated with pile-removal shall be disposed of at an approved upland disposal site.

#### *Pile Installation*

18. All new temporary or permanent pilings shall be either steel except for the 10 untreated wood piles used for navigational markers.
19. ~~All pilings shall be installed using a vibratory hammer when possible. If an impact hammer is necessary to proof or drive the pile, a block of wood at least six (6) inches thick shall be placed between the pile driver and the pile to minimize in-water noise.~~ All pilings shall be installed using a vibratory hammer when possible. If an impact hammer is necessary to proof or drive the pile, for those piles 10" or less, a block of wood at least six (6) inches thick shall be placed between the pile driver and the pile to minimize in-water noise.
20. When using an impact hammer, the Applicant shall install a bubble curtain if driving piles larger than 10 inches in diameter. The bubble curtain shall be deployed in a manner to ensure that bubbles completely engulf the piles during impact-driving.

#### *Temporary Sheet Pile Installation and Removal*

21. ~~Approximately 750 linear feet of temporary steel sheet pile shall be installed "in the dry" using a vibratory hammer. If an impact hammer is necessary to proof or drive the pile, a block of wood at least six (6) inches thick shall be placed between the pile driver and the pile to minimize in-water noise.~~ Approximately 750 linear feet of temporary steel sheet pile shall be installed "in the dry" using a vibratory hammer.
22. All material used for the sheet pile structure shall be removed from the site and properly disposed of upon project completion.

#### *Rip Rap*

23. Rip Rap shall be placed on the sides of the launch channel, and no rip rap shall be placed on the bottom of the launch channel.

35. Dredging shall be confined to the existing footprint, except as modified by this Order.

*Moorage*

36. The mooring buoy system shall be located to avoid shading impacts from vessels and/or damage from vessel props to eelgrass, kelp, other significant macroalgae species, or Pacific herring spawning.
37. The mooring buoy system shall be installed and used in a manner that will not damage the seabed or aquatic vegetation as a result of anchor or chain movement for the life of the buoy system. The anchor chains and under runner lines for each mooring berth shall be pre-tensioned at the time of installation, such that all chains and lines in the system remain above the seabed at low tide.
38. Floatation for the buoy shall be fully enclosed and contained to prevent breakup or loss of floatation material into the water.

*Pontoon Float Out*

39. Tugs shall not have their propellers turning when near the gate entrance unless they are directly involved in the process of connecting to the pontoons, moving the pontoons, or otherwise assisting with the pontoon float-out process.
40. Tugs shall operate so that the primary tug thrust is over the concrete floor of the casting basin.
41. Tug operations in the launch channel shall limit sediment from being blown into the casting basin.

**G. Wetland Compensatory Mitigation Conditions**

1. The Applicant shall mitigate wetland impacts as described in the *Draft Wetland and Aquatic Resources Mitigation Report for the Grass Creek Mitigation Site*, dated December, 2010 and (the Mitigation Plan) prepared by Jeff Meyer, PWS and Pete Lawson (Parametrix), Maki Dalzell, Pat Togher, PWS, and Chad Wiseman (HDR Engineering, Inc.) and Shane Cherry (Confluence Environmental), or as modified by this Order or revised and approved by Ecology.
2. Before work begins, the Applicant shall submit any changes to the Mitigation Plan in writing to Ecology per A.2, for review and approval.
3. The Applicant shall obtain Ecology's review and written approval for any plan changes needed to address issues arising during mitigation site construction and planting.

be in the form of a signed letter from the surveyor or project engineer indicating how final elevations were confirmed and whether those elevations are consistent with the Mitigation Plan.

15. If planting occurs more than 180 days after construction of the wetland mitigation sites, the Applicant shall submit to Ecology (see A.2.) one hard copy and one electronic file of the first "as-built report", including maps, within 90 days of completing construction and a second as-built report within 90 of completing planting. The as-built report must:
  - a. Document site conditions at Year Zero
  - b. Include the information listed in Attachment B (Information Required for As-Built Reports)
  - c. Include documentation of the recorded legal mechanisms required in Conditions G.16. and 17.
16. Within 90 days of completing construction and planting of the Grass Creek Mitigation site, the Applicant shall record a Wetlands Notice (see Attachment C - *Wetland Notice for Deed Notification*). The Notice must be recorded with the County Recording Office, Registrar of Deeds, or other official responsible for maintaining records for, or interest in, real property.
17. Within 90 days of completing construction and planting of the Grass Creek Mitigation site, the Applicant shall record a restrictive covenant, a copy of this Order, and the site map from the final wetland Mitigation Plan or as-built indicating the location of wetlands and their buffers. These documents must be recorded with the County Recording Office, Registrar of Deeds, or other official responsible for maintaining records for, or interest in, real property.

#### *Monitoring and Maintenance*

18. The Applicant shall water and maintain all mitigation site plantings so as to meet the Mitigation Plan's performance standards, specifically Chapter 7.
19. The Applicant shall monitor the mitigation site for a minimum of 10 years and use the monitoring methods described on pages 7-8 and 7-9 of the Mitigation Plan.
20. The Applicant shall submit to Ecology (see A.2) one hard and one electronic copy of monitoring reports documenting mitigation site conditions for years 1, 2, 3, 5, 7, and 10. At a minimum, the reports must contain the information in Attachment D (Information Required for Monitoring Reports.) The Applicant shall submit the first monitoring report no later than 24 months after completing the mitigation site construction and planting.
21. The Applicant shall implement the Mitigation Plan's contingency measures if its goals, objectives, or performance standards are not being met.
22. Prior to implementing contingency measures not specified in the Mitigation Plan, the Applicant shall consult with and obtain written approval from Ecology for any changes.



4. Any work that is out of compliance with the provisions of this Order, or conditions causing distressed or dying fish, or any discharge of oil, fuel, or chemicals into state waters, or onto land with a potential for entry into state waters, is prohibited. If these occur, the Applicant shall immediately take the following actions:
  - a. Cease operations at the location of the violation or spill.
  - b. Assess the cause of the water quality problem and take appropriate measures to correct the problem and/or prevent further environmental damage.
  - c. Notify Ecology of the failure to comply. All oil spills shall be reported immediately to Ecology's 24-Hour Spill Response Team at 1-800-258-5990, and within 24 hours of spills or other events to Ecology's Federal Project Manager at (360) 407-6789.
  - d. Submit a detailed written report to Ecology within five (5) days that describes the nature of the event, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of any samples taken, and any other pertinent information. Compliance with this condition does not relieve the Applicant from responsibility to maintain continuous compliance with the terms and conditions of this Order or the resulting liability from failure to comply.